





# Bombay Legislative Council Debates

Official Report

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*Friday, the 1st March 1929.*

The Council re-assembled at the Council Hall, Bombay, on Friday, the 1st March 1929, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 ADDYMAN, Mr. J.  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ASAVALE, Mr. R. S.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHURGRI, Mr. J. W.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHEER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HOTSON, the Honourable Mr. J. E. B.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JANVEKAR, Mr. D. A.  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED

JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHHRO, Khan Bahadur M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LIGADE, Mr. S. P.  
 MACKIE, Mr. A. W. W.  
 MACLACHLAN, Mr. D.  
 MAJMUDAR, Mr. N. G.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. CHHOTALAL R.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN, MUHAMMAD SHAH  
 SYED MUHAMMAD KAMIL SHAH  
 SYED MUNAWAR, Mr.  
 THORAT, Sardar S. B.  
 THORNER, Mr. J. P.  
 TURNER Mr C W A

VANDEKAR, Rao Saheb R. V.

WASIF, Mr. G. A. D.

WILES, Mr. G.

WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

#### LAND ACQUISITION : MULSHI DAM

Dr. P. G. SOLANKI on behalf of Dr. B. R. AMBEDKAR: Will Government be pleased to state—

(a) whether the lands of the Mahars of Mohari and Wadgaon, taluka Haveli, district Poona, were acquired by Government on account of the Mulshi dam;

(b) the rates at which the lands were acquired;

(c) whether the price of the lands was paid to the Mahars of these villages?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) Rs. 50 per acre for Jirait land and Rs. 550 per acre for Gadi (rice) lands.

(c) The lands being service inam, the sums awarded were credited to Government and an annual cash allowance calculated at 5 per cent. of the total amount of the compensation was sanctioned for the watandar Mahars.

#### GOVERNMENT SERVICE : CLASSIFICATION OF DAIVADNYAS

Dr. P. G. SOLANKI on behalf of Rao Bahadur S. K. BOLE: Will Government be pleased to state—

(a) the percentage in education of the Daivadnya community and why they are classified as Advanced Classes in the matter of services;

(b) whether the attention of Government has been drawn to the correspondence in the Indian Daily Mail dated the 21st November 1928 on this subject?

The Honourable Mr. G. B. PRADHAN: (a) No separate figures for Daivadnyas only are available. The community is neither illiterate nor backward and hence has been classed as advanced.

(b) Yes.

#### CIVIL COURTS, RATNAGIRI DISTRICT : BHANDARIS

Dr. P. G. SOLANKI on behalf of Rao Bahadur S. K. BOLE: Will Government be pleased to state—

(a) the percentage of the Bhandari community in the Ratnagiri District;

(b) the number of Bhandaris employed as clerks in the Civil Courts of the District;

(c) the total number of clerks in the Civil Courts in the District?

The Honourable Mr. J. E. B. HOTSON: (a) Bhandaris are 3.23 per cent. of the population of Ratnagiri District.

(b) 5.

(c) 107.

SUKKUR BARRAGE VISIT : INVITATIONS TO PRESS  
REPRESENTATIVES

Dr. M. K. DIXIT (Surat City) : Will Government be pleased to state—

(a) whether they had invited representatives of papers to accompany the Honourable Members of this Council on a visit of inspection to the Sukkur Barrage ;

(b) if the reply to (a) be in the affirmative, the names of the papers invited to send their representatives ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The Times of India.

The Bombay Chronicle.

The Indian Daily Mail.

The Indian National Herald.

The Jam-e-Jamshed.

The Kesari.

The Dinbandhoo.

The Dnyan Prakash.

The Associated Press.

The Free Press of India.

The Sind Observer.

The Daily Gazette.

The New Times.

Dr. M. K. DIXIT : What was the principle adopted in inviting the papers ? Was a circular issued or separate invitations were sent ?

The Honourable Sir GHULAM HUSSAIN : We invited them.

Dr. M. K. DIXIT : Why no Gujarathi paper was invited ?

The Honourable Sir GHULAM HUSSAIN : We sent invitation to the leading papers. Some papers actually wrote to us expressing their desire to see the barrage.

Dr. M. K. DIXIT : Do I understand that the press representatives requested Government to invite them ?

The Honourable Sir GHULAM HUSSAIN : Some of them wrote to us and some were invited.

Mr. A. D. SHETH : Did the editor of *Kesari* write to Government to invite him to visit the barrage ?

The Honourable Sir GHULAM HUSSAIN : I do not remember whether he wrote or whether we sent him an invitation.

Rao Saheb D. P. DESAI : In view of the fact that a Marathi weekly paper was invited, why was not a Gujarathi weekly either in Ahmedabad or in Bombay invited ?

The Honourable Sir GHULAM HUSSAIN : We were not aware of any Gujarathi weekly.

Rao Saheb D. P. DESAI : Is not the honourable member aware of any leading paper in Gujarat ?

The Honourable Sir GHULAM HUSSAIN : Well, the honourable member (Mr. A. D. Sheth) is the editor of one of the leading Gujarati papers.

#### PRIMARY SCHOOL TEACHERS IN SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) how many primary teachers were taken up in the now defunct Training Schools in Sind and how many of them were confirmed in the grades of pay specially created for service in Training schools ;

(b) whether any of the latter suffered any loss in their annual promotion as well as in their total emoluments owing to their being transferred to places where living was much more dear than at places from where they were transferred ; and if so, whether any steps were taken to compensate them for the loss sustained by them ;

(c) whether it is a fact that Government have passed a resolution that Primary teachers working in High schools will be given undergraduate's scale of pay if they passed the Matriculation examination. If so, will Government be pleased to state how many such primary teachers in Sind have passed the Matriculation examination and how many of them have been given the benefit of the resolution and how many have been denied it ;

(d) whether it is a fact that some of the primary teachers confirmed in the defunct Training Schools were posted to the Middle School, Karachi, where they were employed as permanent incumbents ;

(e) whether they have now been kept on the acting list ? If so, what the reasons for it were ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Eight only two of whom were confirmed.

(b) Yes ; one of the two had to revert to his post of a primary teacher as he could not be provided for elsewhere.

(c) Yes ; two, both of whom were allowed to draw pay in the scale sanctioned for undergraduates.

(d) Yes, one teacher only who was however not confirmed.

(e) Yes, because the appointment of primary teachers in Secondary Branch was in the nature of an experiment and it may be found desirable to discontinue it.

#### RAILWAY PROJECTS IN SIND : PENDING CORRESPONDENCE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state in connection with which proposed new railway

lines in Sind correspondence is pending between the Government of Bombay and North-Western Railway or any other railway ?

The Honourable Mr. J. L. RIEU :

*North Western Railway.*

(1) A line from Dadu to Kambar on the Shahdadt-Larkana Railway *via* Kakar, Khairpur Nathanshah, Mehar and Warah but preferably *via* Johi, Kakar, Khairpur Nathanshah, Mehar and Warah.

(2) A line from Shikarpur *via* Garhi Yasin to Ratodero and then *via* Mirokhan to join the Kambar-Shahdadt line.

(3) Extension of the Larkana-Shahdadt line from Dodapur to Jacobabad.

(4) A line from Mirpurkhas to Nagar Parkar.

(5) A line from Tando Adam through Tando Allahyar to Palh.

(6) A line from Tando Mahomed Khan to Sujawal *via* Bulri, Jhok and Mirpur Bathoro.

*Jodhpur Railway.*

(7) A line from Khadro to Nawabshah.

(8) A line from Jhol *via* Sanghar to Hiral.

(9) A line from Hiral to Jhudo.

REVENUE SERVICE : QUALIFYING EXAMINATIONS.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) how many candidates from the subordinate revenue service in Sind passed the departmental qualifying examination with credit during each of the last ten years ;

(b) how many of such successful candidates have been promoted to the rank of Mukhtiar-kars ;

(c) whether any distinction is drawn between candidates who have passed the aforesaid examination with or without credit as regards their promotion to Gazetted rank ;

(d) if not, whether Government propose to issue orders to that effect ?

The Honourable Mr. J. L. RIEU : (a) 2 in 1921 and 1 in each of the years 1920, 1922 and 1925.

(b) One.

(c) The fact that a candidate has passed with distinction is taken into consideration as one of his qualifications.

(d) Does not arise.

SUPERVISORS UNDER THE PRIMARY EDUCATION ACT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the number of supervisors appointed by each District Local Board under the Primary Education Act ;

(b) the number of such supervisors who are Hindus ?

The Honourable MOULVI RAFIUDDIN AHMAD : A statement giving the information required is placed on the Council table.

*Statement showing the number of supervisors appointed by each District Local Board under the Primary Education Act.*

No.	Name of District Local Board.	Number of supervisors appointed.		
		Hindus.	Non-Hindus.	Total.
<i>Bombay Division.</i>				
1	Thana .. .. .	3	1	4
2	Bombay Suburban District .. .. .	..	...	..
3	Kolaba .. .. .	3	1	4
4	Ratnagiri .. .. .	6	1	7
5	Nasik.. .. .	4	1	5
<i>Central Division.</i>				
6	Poona .. .. .	6	1	7
7	Satara .. .. .	9	1	10
8	Sholapur .. .. .	4	1	5
9	Ahmednagar .. .. .	5	1	6
10	East Khandesh .. .. .	8	1	9
11	West Khandesh .. .. .	3	1	4
<i>Northern Division.</i>				
12	Panch Mahals .. .. .	1	1	2
<i>Southern Division.</i>				
13	Dharwar .. .. .	7	1	8
14	Belgaum .. .. .	6	1	7
15	Bijapur .. .. .	4	1	5
16	Kanara .. .. .	2	1	3
<i>Sind.</i>				
17	Karachi .. .. .	..	2	2
18	Hyderabad .. .. .	1	1	2
19	Nawabshah .. .. .	..	2	2
20	Sukkur .. .. .	..	2	2
21	Upper Sind Frontier .. .. .	1	...	1
22	Larkana .. .. .	2	1	3

*Note.*—The statement is based on information collected in July 1928.

#### SUBORDINATE JUDGE'S COURT: TATTA : MINISTERIAL ESTABLISHMENT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that several litigants of the Court of the Subordinate Judge of Tatta petitioned the Judicial Commissioner of



Sind against the corruption and bribery prevailing among the ministerial establishment of the Court ;

(b) on what date this petition was received by the Judicial Commissioner ;

(c) by how many persons it was signed ;

(d) what action was taken by the Judicial Commissioner on the petition.

(e) whether the petitioners also complained that as soon as plaintiffs put in application for the execution of their decrees members of the establishment of the Court placed themselves in communication with the defendants and helped in defeating the object of the applications ;

(f) whether Government propose to improve the state of things in the Tatta Court ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) 10th September 1928.

(c) Twenty-eight.

(d) Of the three members complained of, two have been transferred and the third is under orders of transfer.

(e) No.

(f) As stated in answer to (d) transfers have been ordered. Further action is not possible as the petitioners refused to give evidence in the inquiry which was held.

#### REVENUE QUALIFYING EXAMINATION

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that candidates who pass the Revenue Qualifying Examination and secure 75 per cent. of the marks are classed as having passed with credit ;

(b) the number of candidates who have passed this examination with credit during the last ten years in Sind ;

(c) whether the fact that a candidate has passed with credit is taken into consideration for the purposes of appointment, promotion, allowance or some other gain in service ;

(d) in how many cases, if any, this fact has not been taken into consideration ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Five.

(c) The fact is taken into consideration as being one of the candidate's qualifications.

(d) None.

#### ROADS, KANDIARO TALUKA

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that there are only three provincial roads in the whole of Kandiarno taluka and two of them, namely, Kandiarno to Kandiarno road and Kandiarno to Kotri are in a bad condition :

(b) whether it is a fact that out of the roads in the charge of the District Local Board, those from Bhakhri to Alim, Kandiaro to Kamaldero, Kandiaro to Bhiria and Kandiaro to Mahrabpur Jatoi are in a very bad condition and that the first named one is easily flooded during the rains ;

(c) what amount has been spent on the repairs of each of the six roads mentioned above during each of the last five years ;

(d) whether they intend taking early steps to improve the condition of these roads ?

The Honourable Diwan Bahadur HARILAL D. DESAI :  
(a) Yes. The road from Kandiaro to Kotri is however in better condition than that from Kandiaro to Kandiaro road. The latter is subject to heavy motor and other traffic and has broken up and become dusty in a number of places. Steps are being taken to bring it into more satisfactory condition.

(b) It is understood that the roads from Kandiaro to Kamaldero, Kandiaro to Bhiria and Kandiaro to Mahabatdero Jatoi (not Mahrabpur Jatoi which is evidently a mistake) are in fairly good condition. The road from Bhakhri to Alim is in bad condition and steps are being taken to repair it.

(c) The statement attached gives the required information.

(d) See reply to (a) above so far as the Provincial roads therein mentioned are concerned. The remaining roads are District Local Board roads and the District Local Board, Nawabshah, is taking steps to improve them.

*Statement showing the expenditure on annual repairs on each of the six roads mentioned in clauses (a) and (b) of the question during the past five years.*

Years	Kandiaro to Kandiaro Road	Kandiaro to Kotri	Bhakhri to Alim	Kandiaro to Kamaldero	Kandiaro to Bhiria	Kandiaro to Mahabat- dero Jatoi
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1923-24	3,159	1,278	....	....	....	....
1924-25	3,327	815	....	....	....	....
1925-26	2,976	3,242	....	....	429	....
1926-27	2,171	3,655	....	....	500	247
1927-28	5,247	2,128	....	....	962	....

#### WOOL KHA DI WORKERS : INDEBTEDNESS

\* Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether they are aware that handspun handwoven woollen khadi is one of the cottage industries of Thar Parkar district in Sind;

(b) whether it is a fact that many of the weavers of this khadi are in debt ;

(c) whether Government propose to consider the question of asking the Co-operative Department to recognise this industry in a way which may relieve the workers from indebtedness ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) and (b) Yes

(c) The Registrar, Co-operative Credit Societies, has been directed to investigate the possibilities of assisting the Menghwars by the introduction of the Co-operative system into this area.

#### TERRITORIAL CHANGES, SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that the question of increasing the number of districts in Sind from seven to ten is being considered ;

(b) what the area and population of each district will be under the proposals now under consideration ;

(c) the names of the talukas which will form each district under the above proposals ;

(d) the approximate extra cost of the new arrangement proposed ;

The Honourable Mr. J. L. RIEU : (a) to (d) As the question is under consideration Government are not in a position at present to furnish this information.

#### RAILWAY PROJECTS : HUBLI-NARGUND AND HUBLI-BELGAUM

Mr. V. N. JOG on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) whether the projected railway line from Hubli *via* Dundur and the other from Hubli to Belgaum *via* Savadatti has been sanctioned ;

(b) if so, the total cost of construction of each of the lines ;

(c) when the construction of each of these lines will be actually undertaken ;

(d) when it is expected to be completed ?

The Honourable Mr. J. L. RIEU : (a) The alignments of the railway lines as recommended by this Government are from Hubli to Belgaum *via* Dharwar and Saundatti, and from Dundur on the Gadag-Hubli section of the Madras and Southern Maratha Railway to Nargund *via* Nalgund. The surveys of these lines were sanctioned by the Railway Board in 1927. The Project reports and estimates have been submitted by the Agent of the Madras and Southern Maratha Railway Company to the Railway Board, whose sanction has not yet been received.

(b) The estimated cost of the Hubli-Saundatti-Belgaum line is Rs. 80,71,586 and that of the Dundur-Nargund line is Rs. 14,09,261.

(c) and (d) As the lines have not yet been sanctioned by the Railway Board, it cannot be said when their construction will be undertaken or when their completion may be expected.

## INFERIOR VILLAGE SERVANTS, KARNATAK : LANDS

Mr. V. N. JOG on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) the total amount of land revenue alienated in respect of lands of the inferior village servants in each of the districts of Dharwar, Belgaum and Bijapur ;

(b) the total acreage of watan land given to or held by such village servants in each of the districts of Belgaum, Bijapur and Dharwar ?

The Honourable Mr. J. L. RIEU :

			Rs.	a.	p.
(a)	Belgaum	.. ..	26,883	7	0
	Bijapur	.. ..	13,797	13	9
	Dharwar	.. ..	36,082	9	9
			Acres	Gunthas	Thikans
(b)	Belgaum	.. ..	28,825	28½	+ 104
	Bijapur	.. ..	32,283	34	
	Dharwar	.. ..	44,359	7	

## NARA CANAL

Mr. M. S. KHUHHRO (Larkana District): Will Government be pleased to state—

(a) what they propose to do to provide supply to lands lower down the Nara ;

(b) whether they propose to remove the “ gandrass ” ?

The Honourable Sir GHULAM HUSSAIN : (a) It is presumed that the Honourable Member refers to lands depending on the Western Nara in Talukas Johi and Sehwan. Special rotations were undertaken during the year 1928 for the benefit of those lands but on account of the excessive uncontrolled draw off in the upper reaches of the Nara, deficiency of supply lower down is in the existing conditions unavoidable.

(b) It is presumed that the Honourable Member refers to side groynes. It is not proposed to remove them.

## DISTRICT COURTS OF AHMEDABAD AND SURAT : CLERKS AND SECTIONERS



Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) the number of vacancies of clerks and sectioners that occurred during the last three years in the District Courts of Ahmedabad and Surat ;

(b) the number of Hindus, Mahomedans, Parsis and Christians that were taken to fill up the vacancies, with the qualifications of each of them ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) A statement is placed on the Council table.

*Statement.*

District and Subordinate Courts	No. of vacancies during the last three years	Clerks			
		No. of persons taken to fill up the vacancies with their qualifications			
		Hindus	Mahomedans	Parsis	Christians
Ahmedabad ..	23	20 5 B.As. 1 Inter Arts. 3 First year Arts. 8 Matriculates. 3 Studied up to VII Standard English.	8 1 B.A. 4 Matriculates. 1 Studied up to VII Standard English. 1 Studied up to VI Standard English and Vernacular Final. 1 Stenographer.	<i>Nil.</i>	<i>Nil.</i>
		20	8		
Surat ..	5	4 1 was appointed from 16th July 1923. 2 Matriculates. 2 Vernacular Finals.	1 Matriculate	<i>Nil.</i>	1 up to 16th July 1923 (Typist).
		4			

District and Subordinate Courts	No. of vacancies during the last three years	Section-writers			
		No. of persons taken to fill up the vacancies with their qualifications			
		Hindus	Mahomedans	Parsis	Christians
Ahmedabad ..	18	12 5 Matriculates. 2 Vernacular Finals. 4 Studied up to VII Standard English. 1 Studied up to VI Standard English.	4 2 Matriculates. 1 Studied up to VII Standard English and Vernacular Final. 1 Studied up to VII Standard Vernacular.	<i>Nil.</i>	2 (Both are Matriculates).
		12	4		
Surat ..	2	<i>Nil.</i>	1 (Knows English).	<i>Nil.</i>	1 (Knows English.)

## SUB-JUDGES : MUHAMMADANS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) the number of Sub-Judges that were taken as direct recruits to the Sub-Judges' cadre during the years 1926, 1927 and 1928 ;

(b) the number of Hindus, Parsis and Muhammadans separately so recruited every year ;

(c) whether they are aware of the fact that the number of Muhammadans recruited every year is very small compared to their quota of 15 per cent. in the services ?

The Honourable Mr. J. E. B. HOTSON: (a) and (b) A statement giving the information is placed on the Council Table.

(c) No quota has been fixed.

*A statement showing the number of Subordinate Judges recruited in the Bombay Presidency including Sind during the years 1926-1928 inclusive.*

(a) 1926	1927	1928
11 *	8	9 *

\* This includes 1 Christian candidate.

(b) Year.	Hindus	Parsis	Muhamma- dans
1926	9	Nil.	1
1927	5	1	2
1928	7	Nil.	1

Khan Saheb A. M. MANSURI: The number of Mussalmans is very small ; is it due to dearth of qualified Muhammadans ?

The Honourable Mr. J. E. B. HOTSON: That is the chief reason, I believe.

SUPERINTENDING ENGINEER'S OFFICE, NORTH WESTERN CIRCLE,  
SUKKUR : CLERKS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the number of Mahomedan and Hindu clerks employed in the office of the Superintending Engineer, North Western Circle, Sukkur, with the salaries drawn by each and their respective qualifications ;

(b) the reasons for the deficiency if the number of Mahomedan clerks is not up to 50 per cent. as fixed by Government Resolution in the Finance Department No. 2610 dated 5th February 1925 ?

The Honourable Sir GHULAM HUSSAIN: (a) A statement giving the required information is attached.

(b) Out of the seven clerks in the office of the Superintending Engineer, North Western Circle, two are permanent men seconded from the Sind Public Works and Revenue Departments. Of the remaining five, four are Hindus and one is a Mahomedan. It would not be correct to make

comparisons between numbers of Hindu and Mahomedan clerks in any particular office without taking into consideration the percentage of recruitment in other offices of the same circle as clerks are transferred from time to time from one office to another in the same circle in the interests of Government work. The number of Hindu and Mahomedan clerks employed in the whole of the North Western Circle is as under :—

Hindus	..	..	..	16
Mahomedans	..	..	..	11
				—
				27

This shows that the percentage of Mahomedans is not very much below the prescribed one. Efforts are, however, still being made to make up the deficiency in the prescribed percentage.

*Statement showing the number of Hindu and Mahomedan clerks employed in the office of the Superintending Engineer, North Western Circle, with their salaries, qualifications, etc.*

No.	Designation	Salary	Qualifications	Remarks
1	2	3	4	5
		Rs.		
1	Head clerk, Hindu.	230	Passed 2nd grade Public Service Examination. Has got six months temporary and 15 years 9 months permanent service in Sind P. W. D. and about 5½ years in this jurisdiction.	On deputation to Lloyd Barrage and Canals Construction from Sind P. W. D. His appointment lies in the powers of the Chief Engineer, Lloyd Barrage and Canals Construction.
2	1st Clerk, Hindu	180	Passed 2nd grade Public Service Examination and Commercial Examination in Book-keeping held by the National Union of Teachers, London, and Subordinate Revenue Department examination. Has got 1½ temporary service in the Karachi Municipality and a European Firm, and 16 years previous permanent Government Service and 5½ years in this jurisdiction.	On deputation to Lloyd Barrage and Canals Construction from the Revenue Department, Hyderabad Sind District. His appointment lies in the powers of the Chief Engineer, Lloyd Barrage and Canals Construction.
3	Clerk, Hindu ..	105	Passed Matriculation and School Final Examinations of the Bombay University and Short-hand, Typing and Senior Book-keeping examinations held by National Union of Teachers from Clarks college. Has got about 1 year and 9 months previous service and about 5½ years in this jurisdiction.	Since promoted from the Divisional office (Warah Branch Division) from Rs. 95 in the grade of 75—5—100 to Rs. 105 in the grade of 105—5—125 in the Superintending Engineer's office. Not yet joined.
4	Clerk, Hindu ..	90	Plucked Matric. Has got 1 year's previous service in a Firm and about 5½ years in this jurisdiction. He was first taken up on Rs. 50 per mensem in the grade of Rs. 30—5½—70 in a Divisional office in this scheme, but was subsequently transferred to the Superintending Engineer's office in place of a Mahomedan clerk of this office promoted to the higher grade and transferred to a Divisional Office.	

No.	Designation	Salary	Qualifications	Remarks
1	2	3	4	5
		Rs.		
5	Clerk, Hindu	80	Passed Matriculation and School Final Examinations of the Bombay University. Has got about three months previous Government Service and about 4½ years in this jurisdiction. He was first taken up on Rs. 50 per mensem in the grade of 30—5½—70 in a Divisional office and was subsequently promoted and transferred to the Superintending Engineer's office in the grade of 75—5—100.	
6	Clerk, Mahommadan.	60	Studied up to Matric. of Punjab. Has got about 7 years previous service in the Military Department and about 3½ years in this jurisdiction. He was taken up on Rs. 50 in Superintending Engineer's Office.	Since promoted to Rs. 75 in the grade of 75—5—100 in a vacancy in the Divisional office (Warah Branch Division). Another Mahommadan candidate is being appointed in his place.
7	Clerk, Hindu	50	Studied up to Matric. Has got about 2 years previous service in a firm and 7½ months as Daffary in Superintending Engineer's office whence he was taken up on the clerical Establishment on 1st December 1928. He is a typist also.	

Mr. HAJI MIR MAHOMED BALOCH : (In Urdu) Is it a fact that in the Left Bank Circle, non-Muhammadan juniors were recommended to be transferred to Barrage for better appointments over a senior Mahomedan ?

The Honourable Sir GHULAM HUSSAIN : The reply is there.

BOMBAY DEVELOPMENT DEPARTMENT : DIRECTOR'S BUNGALOW

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that certain materials like reinforcements of columns required for the bungalow of the Development Director were made at Worli and the cost thereof debited to the reinforced concrete chawls at Worli ;

(b) whether it is a fact that at certain times skilled labour charged to Worli was sent to work at the Director's bungalow ;

(c) if the answers to (a) and (b) are in the affirmative ; the names of the officers responsible for such irregularities and what action Government had taken or propose to take against them ;

(d) if the answers to (a) and (b) are in the negative, the number of the vouchers in which costs of reinforcements, fixing, and making is charged in the accounts of the Director's bungalow ;

(e) whether it is a fact that when the Director's bungalow was completed certain useless debits were transferred to Worli and the reinforced concrete chawls debited with the costs as if those materials were useful and in good condition ;

(f) the cost of such materials credited to the Director's bungalow ;

(g) what the materials so transferred were and how they were utilised in the reinforced concrete chawls ;



(h) whether it is a fact that this was done in order to reduce the total expenditure on this bungalow which had greatly exceeded the original sanctioned estimate;

(i) the original amount sanctioned for the construction of this bungalow and how many times this estimate was revised;

(j) the reasons for the excess;

(k) whether it is a fact that certain amounts originally charged to the Director's bungalow were returned and debited to Worli chawls;

(l) who were responsible for such irregularities?

The Honourable Sir GHULAM HUSSAIN: (a) Certain materials such as cement and small quantities of re-inforcing bars were issued from Worli for use at the Director's bungalow and their book value was debited to this bungalow and not to Development Department chawls at Worli.

(b) Skilled labour charged to Worli was, on two occasions, sent to work at the Director's bungalow and debit for such labour was raised against the account of this bungalow.

(c) Does not arise.

(d) Two statements, one showing the bill numbers and pages of measurement books in connection with the debit for labour and the other of debit on account of materials supplied for the Director's bungalow are attached.

(e) After completion of the Director's bungalow, all surplus materials were transferred and debited to stock accounts and to the Public Works Department stores at Charni Road which was constructed by the Development Department on behalf of the Public Works Department and not to Worli chawls.

(f) The amount credited to the Director's bungalow for surplus materials used as in (e) above was Rs. 9,016.

(g) The materials transferred to the purpose indicated in (e) above were generally as under:—

(1) Broken metal.

(2) R. S. beams.

(3) Water pipes.

(4) Ballies, i.e., round rafters.

(5) Wooden planks.

(6) Corrugated iron sheets.

(7) Tools, etc., for masonry work and

(8) Teak wood doors and windows.

(h) No.

(i) The estimate as originally sanctioned for the construction of the Director's bungalow was for the amount of Rs. 2,42,792, which was subsequently reduced to Rs. 2,30,000. The latter estimate was not revised.

(j) The excess of Rs. 11,317 over the sanctioned estimate of Rs. 2,30,000 was due partly to insufficient provision for certain items in the estimate and partly to the failure of the contractor which necessitated the execution of the work departmentally during the monsoon.

(k) No.

(l) Does not arise.

*Statement showing expenditure incurred by the Executive Engineer, Bombay Housing District No. II, in constructing the Director's bungalow at Cumballa Hill.*

Item No.	Reference to		Reference to		Nature of Voucher.	Amount.			Remarks.
	Bill No.	Date.	M. Book.	Page.		Rs.	a.	p.	
1	110	7th July 1922.	253	34	Master Roll.	47	8	0	Labour and supervision charges for preparing a new column and fixing same in the Director's bungalow at Cumballa Hill.
2	112		253	41	Do.	7	8	0	Wages of a blacksmith for a day and supply of light for a night for the work at Cumballa Hill.
						55	0	0	

*Debits to transfers (divisional) for the month of December 1922.*

(Debits for Director's bungalow.)

Name of debited Division.	Amount.	Name of work or stock.	Credited sub-head.	Amount.
<i>Superintending Engineer, No. 1 Project Division.</i>	Rs. a. p.			Rs. a. p.
Supply of cement 2 tons 2 cwts. at Rs. 100 per ton for use on the Director's bungalow, Cumballa Hill, supplied to the Assistant Engineer, in charge as per invoice No. 2358, dated 9th October 1922.	210 0 0	Removed cement concrete chucks.	Contingencies.	210 0 0
Supply of coke 2 cwts. at Rs. 87 per ton and cement 2 tons and 2 cwts. at Rs. 100 per ton as per invoice No. 2361 of 1st November 1922.	218 11 2			218 11 2
Supply of cement 2 tons 2 cwts. at Rs. 100 per ton as per invoice No. 2362, dated 1st November 1922.	210 0 0			210 0 0
Supply of cement 1 ton at Rs. 100 per ton as per invoice No. 2363, dated 1st November 1922.	100 0 0			100 0 0
Supply of cement 1 ton at Rs. 100 per ton as per invoice No. 2364, dated 1st November 1922.	100 0 0			100 0 0
Supply of cement 1 ton at Rs. 100 per ton as per invoice No. 2365, dated 1st November 1922.	100 0 0			100 0 0
Supply of 2 tons cement at Rs. 100 per ton, and 2 cwts. coke at Rs. 87 per ton as per invoice No. 2366, dated 1st November 1922.	208 11 2			208 11 2
Supply of cement 2 tons and coke 2 cwts. at Rs. 100 and Rs. 87 respectively per ton as per invoice No. 2367 of 1st November 1922.	208 11 2			208 11 -
Supply of mild steel bars 3 cwts. at Rs. 220 per ton to Assistant Engineer, in charge of Director's bungalow, Cumballa Hill, as per invoice No. 2368, dated 4th December 1922.	33 0 0			33 0 0

Name of debited Division.	Amount.	Name of work or stock.	Credited sub-head.	Amount.
	Rs. a. p.			Rs. a. p.
Supply of coke 2 cwts. at Rs. 87 per ton and 1 ton cement at Rs. 100 per ton as per invoice No. 2369, dated 4th December 1922.	108 11 2	Reinforced cement concrete chawls	Contingencies.	108 11 2
Supply of mild steel bars $\frac{3}{4}$ " $\times$ 18' 100 lbs. at Rs. 220 per ton and 2 cwts. of coke at Rs. 87 per ton as per invoice No. 2370, dated 4th December 1922.	18 8 2			18 8 2
Supply of cement 1 ton at Rs. 100 per ton as per invoice No. 2371, dated 4th December 1922	100 0 0			100 0 0
Supply of cement 1 ton at Rs. 100 per ton and mild steel bars 80 lbs. at Rs. 220 per ton invoice No. 2372, dated 4th December 1922.	107 14 0			107 14 0
Supply of cement 1 ton and coke 2 cwts. at Rs. 100 and Rs. 87, respectively, per ton per invoice No. 2373, dated 4th December 1922	108 11 2			108 11 2
Supply of coke 4 cwts. at Rs. 87 per ton, Invoice No. 2374, dated 4th December 1922	17 6 4			17 6 4
Supply of 1 ton cement at Rs. 100 per ton per invoice No. 2375, dated 4th December 1922.	100 0 0			100 0 0
	1,950 4 4			1,950 4 4

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): It is stated that skilled workmen charged to Worli were, on two occasions, sent to work at the Director's bungalow. Were coolies sent on other occasions?

The Honourable Sir GHULAM HUSSAIN: If they had been sent on other occasions, I would have said so. I have given a reply as to what was done.

#### LLOYD BARRAGE AND CANALS CONSTRUCTION : COAL SUPPLY

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that the Chief Engineer, Lloyd Barrage and Canals Construction, recently invited tenders for supply of steam coal for Barrage Works for the year commencing 1st October 1928;

(b) if so, the quantity of coal for which tenders were invited;

(c) whether the tenders have been received and disposed of;

(d) if so, the particulars of the qualities of coals tendered by various parties and the rates quoted for them;

(e) the name of the party with whom the business has been placed;

(f) whether the rate quoted by the successful party was the lowest among the quotations received;

(g) if the reply to (f) be in the negative, the reasons for placing the business with a party whose rate was not the lowest;

(h) the principles that guided them in arriving at a decision in placing this business;

(i) whether the principles referred to in (h) were adhered to in placing the contract for 1928-29;

(j) if the answer to (i) be in the negative, the reasons for not having adhered to such principles ;

(k) whether it is a fact that in considering such tenders Government invariably refer them to the Mining Engineer to the Government of India as an expert for his advice and recommendations ;

(l) if the answer to (k) is in the affirmative, whether such a reference was made in the present case ;

(m) if the answer to (l) is in the affirmative, the advice offered and recommendations made by the Mining Engineer to the Government of India ;

(n) whether the tender recommended by the Mining Engineer to the Government of India in the present case is the same as that which has been accepted by Government ;

(o) if the answer to (n) is in the negative, the reasons that led them to a decision which did not conform with the technical advice and recommendations of the Mining Engineer to the Government of India ;

(p) whether Government will be pleased to lay on the Council Table the correspondence if any that has passed on the subject between the Chief Engineer, Lloyd Barrage and Canals Construction, and the Mining Engineer to the Government of India on the one hand, and the Chief Engineer, Lloyd Barrage and Canals Construction and the Bombay Government on the other ?

The Honourable Sir GHULAM HUSSAIN : The honourable member is referred to the reply given to a similar question regarding "Lloyd Barrage and Canals Construction : Coal supply" put by honourable member Mr. N. A. Bechar during the current session of the Legislative Council.

The Honourable the PRESIDENT : There is one thing I want to point out in this connection, and that is a difficulty felt by the Press rather than by the House. The reply given is :

"The honourable member is referred to the reply given to a similar question..... put by the honourable member Mr. N. A. Bechar during the current session of the Legislative Council."

The honourable member Mr. Bechar has not asked his question, and no reply can be taken as having been given to his question. The Press very often makes the mistake and publishes in papers that such and such a question was asked and the Honourable Member gave such and such a reply, whereas in the Council Office no question can be taken as having been asked and the reply given unless the former is asked and the latter is actually given. So, here, will the honourable member give the actual reply ?

The Honourable Sir GHULAM HUSSAIN : Yes.

(b) About fifty thousand tons.

(c) Yes.

(d) A statement containing the information required is placed on the Council Table.

(e) Messrs. Cowasjee and Sons, Karachi.



(f) and (g) Yes. In accordance with one of the conditions of the contract, *viz.*, that coals from different seams, properties or mines are not to be mixed the rate quoted by Messrs. Cowasjee and Sons for Samla coal was the lowest among the quotations received.

(h) To obtain the exact article required at the lowest possible price.

(i) Yes.

(j) Does not arise.

(k) Yes. The Chief Mining Engineer, Railway Board.

(l) Yes.

(m), (n) and (o) The Chief Mining Engineer, Railway Board, originally recommended the tender of Messrs. Gillanders Arbuthnot and Company for 'Selected Grade' coal from Nos. 12, 13 and 14 seams at their Ekra khas colliery. This firm however did not comply with one of the conditions of the contract—*vide* reply to questions (f) and (g) above and the tender of Messrs. Cowasjee and Sons was accepted in consultation with the Chief Mining Engineer.

(p) Government consider that no useful purpose will be served by placing the correspondence referred to on the Council Table.

Mr. J. C. SWAMINARAYAN: Why was not the lowest tender accepted?

The Honourable Sir GHULAM HUSSAIN: I would request the honourable member to read the reply carefully.

Mr. J. C. SWAMINARAYAN: Were Messrs. Cowasji and Sons the same contractors whose representative was one of the visitors to the Sukkur Barrage and gave a garden party.....

The Honourable Sir GHULAM HUSSAIN: I do not know.

Mr. J. C. SWAMINARAYAN: A garden party to Mr. C. S. C. Harrison and the officers of the Barrage?

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Here it is stated that the lowest tender was not accepted. Were the contractors who got the contract the same who gave a garden party to the officers of the Barrage?

The Honourable Sir GHULAM HUSSAIN: I was not present. As the honourable members were there, they ought to know better than myself.

## Comparative statement of tenders for the

## Lloyd Barrage and Canals

Serial No.	Name of Tenderer	Quantity tendered for	Name of Colliery
1	2	3	4
		Tons	
1	Messrs. MacNiel & Co., 2, Fairlie Place, Calcutta. Per Messrs. Grahams Trading Co., Karachi.	1,500 50,000	Desherguruh .. Blutgonia Kendwadih ..
2	Messrs. Jardine Skinner & Co., Calcutta .	50,000(1) 50,000(2)	Bararee .. Kendwadih Marine .. Sutikdih .. Bansdeopur ..
3	Messrs. Villiers, Ltd., Calcutta ..	50,000	Bagdiji .. ..
4	Messrs. I. N. Chandra and others, Kusunda.	25,000	Kirkend .. ..
5	Messrs. Balmer Lawrie & Co., Ltd. .. Per Messrs. Forbes, Forbes, Campbell & Co., Ltd., Karachi.	25,000 25,000	Victoria .. .. Baraboni .. ..
6	Messrs. Bird & Co., Calcutta .. Per Messrs. Forbes, Forbes, Campbell & Co., Ltd., Karachi.	50,000(1) 26,000(2)	Loyalabad .. .. Desherguruh .. Coal from Sultore Colliery. Charanpur Colliery Central Dhameband.
7	Messrs. Planter's Stores and Agency Co., Ltd., Calcutta, per Messrs. Forbes, Forbes, Campbell & Co., Ltd., Karachi.	24,000 50,000	Charanpur Colliery Central Dhameband.
8	Messrs. F. W. Heilgers & Co., Calcutta .. Per Messrs. Forbes, Forbes, Campbell & Co., Ltd., Karachi.	26,000(1) 24,000 12,000(2) 12,000 12,000 14,000	Standard Colliery .. Bhulanbararee Colliery. Standard Colliery .. Bulanbararee Colliery. Bhogaband Colliery Sundra Colliery ..
9	Messrs. Gillanders Arbuthnot & Co., Calcutta.	1,500(1) 50,000(2)	..... Elkra Khas Colliery.
10	Messrs. Cowasjee & Sons, Karachi ..	1,500(1A)  1,500(1B)  1,500(2) 50,000(3)	Noonodih Jitpur ..  Murahdih .. Bhatdee .. Desherguruh .. Kirkend ..

supply of coal for the year 1928-1929.

Construction, Karachi.

No. of Seam and Grade	Rate per ton F. O. R. Karachi ex-stock	Rate per ton F. O. R. Colliery siding	Remarks
5	6	7	8
	Rs. a. p.	Rs. a. p.	
Selected Grade .. ..	23 14 0	..	
Selected Grade .. ..	....	4 8 0	
17 Seam .. ..			
14, 14a, and 15 Seam, Selected Grade .. ..		4 12 0	
12 Seam, Selected Grade .. ..			
12 Seam, Grade I .. ..			
13 Seam, Selected Grade .. ..	....	4 0 0	To be supplied approximately in equal proportions from each Seam.
12, 14a and 15 Seams, Selected Grade .. ..			
13 and 14 Seams, Grade I .. ..			
14 Seam, Jharra .. ..	....	4 8 0	
15 and 13 Seam, Selected Grade .. ..	....	4 0 0	
Selected Grade .. ..			
Grade I .. ..	24 0 0	4 4 0	
12 and 14 Seams, Selected Grade .. ..	18 8 0	4 4 0	
Selected Grade .. ..	18 10 0	4 15 0	
Poniati Seam, Selected Grade .. ..			
Selected Grade, 17 and 18 Seams— 75 to 80 per cent. from .. ..			
17 Seam, 20 to 25 per cent. from 18 Seam. .. ..	27 8 0	4 6 0	
14 and 15 Seams, Selected Grade .. ..	18 14 0	4 8 0	
14 and 15 Seams, Selected Grade .. ..			
14 and 15 Seams, Selected Grade .. ..			
14 and 15 Seams, Selected Grade .. ..			
17 Seam, Selected Grade .. ..	18 12 0	4 7 0	
12, 13, 14 and 15 Seams. Selected and I Grade. .. ..			
Selected quality only .. ..	17 2 0	....	
12, 13 and 14 Seam, Selected Grade .. ..	....	3 6 6	
17 and 18 Seams, Selected Grade .. ..			
Mechanically screened .. ..			
or .. ..	17 5 0	....	At the option of. the Contractors.
Mohuda Bottom Seam .. ..			
Mechanically screened .. ..			
Desharghur Seam, Selected Grade .. ..	18 5 0	....	
13 and 15 Seam, Selected Grade .. ..	....	3 15 0	



Serial No.	Name of Tenderer	Quantity tendered for	Name of Colliery
1	2	3	4
		Tons	
		25,000(4)	Murulidih ..
		25,000(5)	Bhatdee ..
		50,000(6)	Purbelia ..
			Chotodhomo ..
			Sodepur 9 and 10 pits.
			Sitalpore
			Santoria
			Deoli Burra
			Dhemo
		50,000(7)	Scebpore ..
			Pretoria ..
			Viceroy ..
			Nandy ..
			Adjai Valley
			Banksimula
			Damodarpore. }
		50,000(8)	Bhuggutdih ..
		50,000(9)	Ena ..
		50,000(10)	Samla ..
11	Messrs. Bholanath Dash & Co., Chandranagore.	50,000	Bussery.. ..
12	Messrs. Eduljee Dinshaw, Karachi ..	25,000(1)	Bhalgora ..
		25,000	Simlabahal ..
		50,000(2)	Lakurka ..
		25,000(3)	Kuardi ..
		25,000(4)	Monoharbahal ..
		50,000(5)	Simlabahal ..
			Balgora ..
			Lakurka ..
			Lakurka ..
			New Sinidihi ..

No. of Seam and Grade	Rate per ton F. O. R. Karachi ex-stock	per ton F.O. R. Colliery siding	Remarks.
5	6	7	8
	Rs. a. p.	Rs. a. p.	
Mohuda Bottom Seam, Selected Grade Mechanically screened. Mohuda Bottom Seam, Selected Grade, Mechanically screened. Desharghur Seam Mechanically screened	} .. .. . ..... .....	3 15 0  4 15 0	
Seebpore Seam Selected Grade Mechanically screened	} .. .. .	4 12 0	
Poniati Seam .. .. .	} .. .. .		
11 and 12 Seams, Grade I .. .. .	} .. .. .	3 8 0	
11 and 12 Seams, Grade I .. .. .	} .. .. .	3 8 0	
Samla, Grade I .. .. .	} .. .. .	3 8 0	
11 and 12 Seams, Jharia .. .. .	} .. .. .	2 8 0	
14 Seam } 14 Seam } .. .. . 12 and 13 Seam .. .. . Ghusik Seam .. .. . Desharghur Seam .. .. .	} .. .. . } .. .. . } .. .. . } .. .. . } .. .. .	4 12 0  4 0 0 4 12 0 5 0 0	
14 Seam } 14 Seam } .. .. . 12 Seam } .. .. . 13 Seam } .. .. . 17 Seam }	} .. .. . } .. .. . } .. .. . } .. .. . } .. .. .	17 14 0 .....	
	(In full cargoes of 7,000 tons at any time during the year, each consignment to be made up of equal parts of these varieties.)		
	18 14 0 (In part cargoes of lesser quan- tities.)		

## BAGHAR CANAL CONTRACTORS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

- (a) the name of the first contractor of the Baghar Canal;
- (b) the name of the second contractor after the death of the first contractor;
- (c) whether fresh tenders were invited when the contract was given to the second contractor;
- (d) if the reply to (c) is in the negative, the reasons for the same;
- (e) whether it is a fact that the second contractor is an approved contractor, and, if so, his previous experience in the line;
- (f) in how many stages the payments were made with their respective dates?

The Honourable Sir GHULAM HUSSAIN: (a) Mr. Nazar Mahomed Faibji was the first contractor of the Baghar Head Regulator.

(b) Mr. C. J. Tejani.

(c) No.

(d) It was very necessary to recommence the work without any loss of time, in order to raise the masonry for the gates to the required height by a specific date, according to the guarantee given to the firm, who had the contract for fixing the sluice gates: otherwise the firm would have claimed damages or given up the contract. The tendered amount of the firm being about half of that tendered by the next lowest contractor, there was a risk of considerable loss if the firm had given up the contract. The contractors who were likely to take up the work were therefore consulted personally, and the contract was given to Mr. Tejani who agreed to take up the work at the contract rates of the first contractor, Mr. Nazir Mahomed: the rates demanded by other contractors were much in excess of those of the deceased contractor.

(e) Yes. He had done masonry work (Regulator and culverts) worth Rs. 35,000 in the Karachi Canals Division where he had shown a very sound experience of masonry works:

(f) the payments were made in 50 stages on the following dates:—  
To first contractor—

28th January 1924, 19th February 1924, 5th March 1924, 26th March 1924, 30th March 1924, 8th May 1924, 27th June 1924, 30th June 1924, 14th July 1924, 29th August 1924, 23rd October 1924, 21st November 1924, 30th December 1924, 12th January 1925, 31st January 1925, 8th February 1925, 28th February 1925, 12th March 1925, 28th March 1925, 29th March 1925, 24th April 1925, 15th May 1925, 18th May 1925, 30th May 1925, 30th June 1925, 30th July 1925, 6th August 1925, 19th September 1925, 7th October 1925, 23rd June 1926 (Final bill).

To second contractor—

3rd December 1925, 23rd December 1925, 8th January 1926, 1st February 1926, 11th February 1926, 28th February 1926, 12th March

1926, 31st March 1926, 17th April 1926, 13th May 1926, 14th May 1926, 28th May 1926, 12th June 1926, 3rd July 1926, 16th July 1926, 9th August 1926, 4th October 1926, 25th November 1926, 23rd January 1927, 9th March 1927.

Mr. NOOR MAHOMED : What was the specific date on which this firm was required to construct a masonry for the gates ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Mr. NOOR MAHOMED : On what date was the contract given to the second contractor ?

The Honourable Sir GHULAM HUSSAIN : It is impossible for me to carry dates and figures in my head. If the honourable member will give me notice, I will supply the information.

Mr. NOOR MAHOMED : Were the contracts offered to the other contractors ?

The Honourable Sir GHULAM HUSSAIN : They were consulted.

Mr. NOOR MAHOMED : May I know what the specific nature of that consultation was ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member will give me notice, I will find out and supply the information.

Mr. NOOR MAHOMED : I appeal to you Mr. President. We do not get proper replies from Government benches. It is stated in the reply "The contractors who were likely to take up the work were therefore consulted personally, and the contract was given to Mr. Tejani who agreed to take up the work at the contract rates of the first contractor." My question is what the nature of that consultation was. Were they told that such and such were the rates of the contract and were they asked whether they were prepared to take up the work which had been left over by the deceased contractor ?

The Honourable Sir GHULAM HUSSAIN : Yes.

Mr. NOOR MAHOMED : Did they refuse ?

The Honourable Sir GHULAM HUSSAIN : It appears from the reply that they must have refused. I infer from the reply that they refused, and therefore the contract was given to another man.

Mr. NOOR MAHOMED : The Honourable Member seems to take it for granted that they refused.

The Honourable the PRESIDENT : That is his surmise from the reply.

Mr. A. D. SHETH : What was the amount of the estimate of this particular contract.

The Honourable Sir GHULAM HUSSAIN : I want notice.

Mr. HAJI MIR MAHOMED BALOCH : (In Urdu) : What was the date on which the contract was given to Mr. Tejani and the date on which the contract for fixing the gate was given out ? Which was earlier ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Dr. M. K. DIXIT : How many notices ?

Mr. NOOR MAHOMED : Will the Honourable the General Member give the information during the current session without waiting for a formal notice ?

The Honourable Sir GHULAM HUSSAIN : I wish to have proper notice.

#### WADHOAKHARA TRUST, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether Government is aware that there exists in Karachi a public Hindoo Charitable Trust, consisting of large amount of cash and immovable properties worth over about 25 lakhs called the "Wadhoakhara Trust" ;

(b) whether it is a fact that the original trustees appointed by the donors died long ago ;

(c) if so, whether it is a fact that no fresh trustees were appointed under the Indian Trust Act nor any accounts submitted to the court or to the public ;

(d) whether it is a fact that the funds are now being managed by some relations of one of the original trustees as self-appointed trustees ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (b), (c) and (d) The trust in question not being a public trust under the control of Government they are unable to answer the question. It is open to any interested party having a grievance in regard to the trust to institute proceedings in a court of law.

#### WADHOAKHARA TRUST, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) what is the total amount of income from the Wadhoakhara Trust, Karachi, per year and how much the trustees are spending every year towards charity ;

(b) whether it is a fact that these trustees have appointed permanently a legal adviser of their own family and are paying him a large salary every month ;

(c) whether it is a fact that some years back some of the heirs of the late Bawas (donors) filed a suit in court against the trustees of the said charitable trust ;

(d) whether it is a fact that they were paid by the said trustees some amount of money and the suit withdrawn ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (b), (c) and (d) The honourable member is referred to the reply to his question above.

## WADHOAKHARA TRUST, KARACHI

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

- (a) the names of the present trustees of the Wadhoakhara Trust;
- (b) whether it is a fact that the trustees are drawing personally every month a heavy sum of money as their remuneration;
- (c) if so, the amount drawn every year towards their remuneration;
- (d) whether Government intend to take any action to safeguard the interests of the Hindoo public as regards the management of the Trust and if so what action?

The Honourable MOULVI RAFIUDDIN AHMAD :

- (a) Rao Bahadur Shewaram Dewanmal.  
Mr. Madhowdas Shivandas.  
Mr. Asoomal Mulchand.
- (b) and (c) Government cannot answer this question.
- (d) No. It is open to any interested person having a grievance to institute proceedings in a court of law.

## ELECTRIC LIGHTING : NASIK

Mr. A. C. OWEN (Nasik City): Will Government be pleased to state with reference to their reply to my previous question printed at page 241 of Volume XXIII of the Official Report of the Bombay Legislative Council Debates that they anticipated that the Electric Lighting Scheme for Nasik City would be completed by February 1929, whether they are aware that no progress has been made with the scheme?

The Honourable Mr. J. L. RIEU: Yes.

Mr. A. C. OWEN: I would like to ask if the license for electric lighting of Nasik city has been given to any other firm, and, if so, within what time Nasik may expect to have electric lighting.

The Honourable Mr. J. L. RIEU: No, a license has not yet been granted to any other firm, but notices will be issued inviting applications for a fresh license. It is not possible at present to give any date as to when the lighting is likely to be introduced in the area in question.

## COURT BUILDINGS, POONA : CONSTRUCTION

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

- (a) the name of the Consulting Architect to Government—
- (i) who originally prepared the plans of the New Court Buildings, Poona;
- (ii) who considered it essential that adequate dignity and finish should be given to it;
- (b) the extra cost involved in giving this adequate dignity and finish;
- (c) the percentage of this extra cost to the cost as it would have been if this extra cost had not been incurred;

(d) the total cost :

(e) whether the work was carried out during the time stipulated in the contract ;

(f) if not, whether any penalty was levied on the contractor ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) (i) Mr. S. Woods Hill.

(ii) As a highly qualified Architect with a strongly developed artistic sense it is probable the Consulting Architect was of this opinion, but in any case he had no option in the matter, since it was an opinion strongly held by the then Governor of Bombay and the then Member in charge of the Home Department.

(b) It cannot be said that any extra cost was involved, since a building of the design demanded by the authorities concerned could not have been more cheaply finished than it was without radically altering the design, and such a step was impossible once the building had been started.

(c) Does not arise.

(d) Rs. 15,75,084.

(e) The building was not completed within the time stipulated in the contract, as work was unavoidably delayed pending sanction of Government to the revised estimate.

(f) No penalty was levied on the contractor as the delay was due to the cause mentioned in (e) above and not to any fault on his part.

Mr. HOOSENALLY M. RAHIMTOOLA : Had the late Mr. Wittet anything to do with preparing these plans ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not, so far as I know.

Mr. HOOSENALLY M. RAHIMTOOLA : May I know whether Mr. Woods Hill was the same consulting architect who advised the modifications of the plans ? Originally the plans were prepared by the consulting architect Mr. Woods Hill.

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not prepared to answer that question off-hand.

Mr. HOOSENALLY M. RAHIMTOOLA : My question (a) (ii) asks " Who considered it essential that adequate dignity and finish should be given to it ? "

The Honourable Dewan Bahadur HARILAL D. DESAI : Of course, the architect himself considered that the building shall be of adequate dignity and finish.

Mr. HOOSENALLY M. RAHIMTOOLA : Why did he prepare the plans originally like that, then, if he was the same man who subsequently considered it essential to give adequate dignity and finish to the buildings ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Perhaps he put it rather modestly, and thereafter perhaps the then Governor and the then Home Member in charge wanted their own ideas to be carried into effect.

MR. HOUSENALLY M. RAHIMTOOLA : Were they not satisfied with the plans when they had sanctioned the plans and estimates originally ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot say that off-hand. If the honourable member will give me notice, I will look into every detail.

Rao Saheb D. P. DESAI : Were not the original plans and estimates submitted to this "highly qualified" "strongly developed" artistic architect ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They may have been ; but afterwards some changes it appears were required and they had to be done.

Mr. B. G. PAHALAJANI : What was the difference between the two estimates, the first and the final, the increased estimates and the first estimates ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will see if I have got just ready at hand anything. (After a pause.) I am sorry I have not got the papers at hand for this supplementary question. I would require notice.

Mr. B. G. PAHALAJANI : Was any sanction of this Council obtained to the increased estimate ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will require notice of that, too.

MR. HOUSENALLY M. RAHIMTOOLA : As regards (c), the Honourable Minister says it does not arise. How does it not arise ? I want to know the extra percentage of the increase to the original contract amount.

The Honourable Dewan Bahadur HARILAL D. DESAI : In view of the reply to (b), (c) does not arise because (b) says it cannot be said that any extra cost was involved.

MR. HOUSENALLY M. RAHIMTOOLA : Was not the contract given for about Rs. 9 lakhs ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is more than I can say just at present. I would require notice of that.

Mr. B. G. PAHALAJANI : Will the Honourable Minister give us an answer at the discussion of the P. W. D. budget ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will have the information gathered.

• MR. HOUSENALLY M. RAHIMTOOLA : Does not the Honourable Minister know that the original contract was given for Rs. 9 lakhs and Rs. 6 lakhs extra were sanctioned to give dignity and finish ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not know.

MR. HOUSENALLY M. RAHIMTOOLA : That is the answer given in the past by the past Ministers in this connection.



The Honourable Dewan Bahadur HARILAL D. DESAI : I do not know.

Mr. HOUSENALLY M. RAHIMTOOLA : As regards (e), was it not one of the reasons why the contract was given to the present contractor that he would finish the work within a stipulated time ?

The Honourable Dewan Bahadur HARILAL D. DESAI : May be.

Mr. HOUSENALLY M. RAHIMTOOLA : Then, why was it not completed within that time ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Because of the delay in the sanction by Government of the revised estimates.

Rao Saheb D. P. DESAI : What were the architectural changes made in these revised plans and estimates ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Certainly that is more than I can tell the honourable member.

#### PROSECUTION OF THE EDITOR OF THE *Hindu*

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that the editor of the *Hindu* who is being prosecuted under section 153-A, Indian Penal Code, was at first on bail for some time :

(b) whether it is a fact that his bail bonds were ordered to be cancelled on the ground that he continued to write offensively :

(c) whether it is a fact that on the day on which the case was taken up he was taken from the jail to the court, a distance of about a mile, through the bazaars on foot and in the heat bound all round with ropes and handcuffed :

(d) the reasons for such treatment being accorded to the prisoner ;

(e) the names of the police officers who gave orders for such treatment and who were in charge of these arrangements ?

The Honourable Mr. J. E. B. HOTSON : (a) The person in question was prosecuted and convicted under section 292 and 295-A, Indian Penal Code. He was on bail for some time.

(b) Yes.

(c) He was handcuffed and a rope tied to his arms, in accordance with the usual procedure.

(d) In consequence of the riot, very heavy escort duties were thrown on the police and they were obliged to take full precautions against attempts to escape. When the pleader for the accused brought the matter to the notice of the District Superintendent of Police, that officer issued orders that as a special case this accused should not be handcuffed.

(e) The publication of the names of the officers concerned would not serve any useful purpose.

Mr. A. D. SHETH : Is it the usual procedure to handcuff and tie by ropes the accused under sections 292 and 295A, Indian Penal Code ?

The Honourable Mr. J. E. B. HOTSON : It is the usual procedure to take such precautions as the police consider necessary for the safety of their prisoners.

Mr. A. D. SHETH : Were the authorities in possession of any particular information or grounds that this particular person was going to escape from the police custody ?

The Honourable Mr. J. E. B. HOTSON : No such information was required, nor would the police be wise to wait till they got it, in such circumstances as those of the present case.

Mr. A. D. SHETH : Has there been any case that any editor of a newspaper in Surat or in the presidency has ever tried to escape from the police custody ?

The Honourable Mr. J. E. B. HOTSON : I want notice of that question.

Mr. A. D. SHETH : Were Government in possession of any particular grounds or in possession of any general grounds that any editor of a newspaper is going to escape from police custody ?

The Honourable Mr. J. E. B. HOTSON : If the honourable member had taken the trouble to read the question and listened to the reply, he would have seen that when it was pointed out that this prisoner was the editor of a newspaper and was not likely to escape, the District Superintendent of Police made special arrangements for him.

Mr. C. R. SHROFF : Are such methods adopted for the sake of demonstration ?

The Honourable Mr. J. E. B. HOTSON : No, but I believe some questions are asked for the sake of demonstration.

Mr. A. D. SHETH : In view of the fact that this very gentleman was released on bail, did not Government know that he was not expected to escape ?

The Honourable Mr. J. E. B. HOTSON : That is a different question. I should think quite probably the police opposed his release on bail, but I cannot say.

#### POLICE STATION, BADLAPUR : ABOLITION

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether it is a fact that they intend to abolish the Police Station at Badlapur in Kalyan Taluka ; if so, what has necessitated its abolition ;

(b) whether there is any other Police Station in the vicinity of Badlapur ?

The Honourable Mr. J. E. B. HOTSON : (a) It is not intended to abolish the Police Station at Badlapur, but the question of its removal to a centre more convenient for the area which it serves is under consideration by the local authorities.

(b) The Police Station nearest to Badlapur is Kalyan.

Mr. C. R. SHROFF : May I know the name of the centre where the police station will be removed ?

The Honourable Mr. J. E. B. HOTSON : The question is under consideration. I cannot give an answer as nothing has been yet decided.

Mr. C. R. SHROFF : Have the people of Badlapur sent any petitions to Government expressing their protest against the removal of the police station ?

The Honourable Mr. J. E. B. HOTSON : Government have not seen such a representation, to the best of my belief.

Mr. C. R. SHROFF : I do not follow.

The Honourable the PRESIDENT : The answer given by the Honourable the Home Member is that no representations seem to have reached Government.

#### ORIENTAL TRANSLATOR'S OFFICE : CONTRIBUTIONS TO THE PRESS

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether they have seen the leading article headed "Bori Bunder's Bluff" in the issue of the "Indian National Herald" dated 15th November 1928 ;

(b) if the answer to (a) is in the affirmative, whether they have inquired into the allegations made therein against the Government Officer in the Oriental Translator's office ;

(c) if the answer to (b) is in the affirmative, the result of the enquiry and the action taken against the officer concerned ;

(d) if no enquiry has yet been held, the reasons therefor ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) No.

(c) Does not arise.

(d) It does not appear that there has been any breach of the Government Servants' Conduct Rules.

Mr. A. D. SHETH : Is there any particular rule allowing Government servants to write political articles to newspapers ?

The Honourable Mr. J. E. B. HOTSON : For the most part the Government Servants' Conduct Rules contain prohibitions. It is understood that things not prohibited are permitted.

Mr. A. D. SHETH : Is there any rule prohibiting such writings in newspapers by Government servants ?

The Honourable Mr. J. E. B. HOTSON : I have answered that question already.

Mr. A. D. SHETH : Is there any particular rule and, if so, will it be quoted by Government in this Council ?

The Honourable Mr. J. E. B. HOTSON : That is the same question which I have already answered.

Rao Saheb D. P. DESAI : What is the name of that officer ?

The Honourable the PRESIDENT : Next question.

POLICE, BOMBAY CITY : CONVICTION OF SERGEANT CARTER

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether they are aware that Sergeant Carter of the Bombay City Police was recently convicted for assaulting some boycotters on the day of the arrival in Bombay of the members of the Indian Statutory Commission ;

(b) if the answer to (a) is in the affirmative, what disciplinary action Government have taken in his case ;

(c) whether he is still in service ;

(d) if the answer to (c) is in the affirmative, the grade in which he is now serving.

The Honourable Mr. J. E. B. HOTSON : Sergeant Carter has filed an application for revision, so the matter is *sub-judice*.

MINOR CANALS, PRANTIJ

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that though the canal in the Prantij Taluka is a minor canal, they are thinking of applying to it the rules of perennial canals and of charging a water rate without supplying any water from all the landholders whose lands are situated within two hundred yards of the canals ;

(b) whether they are aware that there is a feeling in the Taluka that the application of such rules would have disastrous effect on the cultivators of the Taluka and that the cultivators would rather wish the complete stopping of the supply of water from the canal than the imposition of hardships like those referred to in (a) above ;

(c) whether the wishes of the cultivators will be taken into consideration before any such rules are applied to the minor canal of the Prantij Taluka ?

The Honourable Sir GHULAM HUSSAIN : (a) The honourable member's information is wrong. It is presumed that the Honourable Member is referring to the percolation or leakage rates levied on the Hathmati Canal. These rates are levied under the Bombay Irrigation Act, 1879, and the Bombay Canal Rules, 1922, thereunder, which are applicable to all canals alike perennial and non-perennial in the Presidency proper. No new (additional) charge is proposed to be levied.

(b) and (c) In view of the reply to clause (a) above, the question does not arise.

Mr. J. C. SWAMINARAYAN : Do not the percolation or leakage rates, when applied to non-perennial canals, operate very harshly on cultivators ?

The Honourable Sir GHULAM HUSSAIN : That is a matter of opinion, Sir.

## TRACTORS FOR DEMONSTRATION

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state in a tabular form—

- (a) the number of tractor machines in working order kept for demonstration under the Deputy Directors of Agriculture of North Central Division, South Central Division and Southern Division ;
- (b) the taluka or district where these machines are kept ;
- (c) how long the machines have been kept there ;
- (d) by how many persons they were used ;
- (e) the area ploughed at each place ;
- (f) the hire charges recovered ;
- (g) whether they are aware that there is a demand from people in Nasik District for a tractor for demonstrations ?

The Honourable Mr. B. V. JADHAV : A statement containing the information required by the Honourable Member is placed on the Council Table.

## Statement.

The number of tractors, etc. Clause (a) of the Council question.	The taluka or district, etc. Clause (b).	How long kept. Clause (c).	By how many persons used. Clause (d).	The area ploughed. Clause (e).	Hire charges recovered. Clause (f).	Demand for the Nasik District. Clause (g).
1	2	3	4	5	6	7
Tractor in West Khandesh under the Deputy Director of Agriculture, North Central Division, Nasik.						
One	Dhulia and Sakri talukas.	Since its purchase in November 1927.	By 22 persons from 28th November 1927 to 26th June 1928.	11 guntas from 24th November 1927 to 26th June 1928. 394 acres and 11 guntas	Rs. a. p. 2 365 10 5	Yes.
Tractor in Bijapur District worked by the Wilson Anti-Famine Institute, Bijapur.						
A McCormick Deering Tractor 15/30 H. P. bought at Rs. 3,760 on 29th October 1927. The Institute paid half the price and the Sir Sassoon David Trust Fund contributed Rs. 2,935.	Bijapur District.	It ploughed from December 1927 to May 1928, 202 acres and 23 guntas belonging to 23 ryots and earned Rs. 2,030-2-0. During this period, there was a breakdown. The machine has, however, been completely overhauled and new parts obtained.				
Tractor in the Dharwar District worked by the District Agricultural Association, Dharwar.						
A 15 30 B. H. P. McCormick Deering Tractor controlled by the District Agricultural Association, Dharwar. Half the cost of the working of the tractor is subsidised by Government.	Dharwar.	For the last two seasons, i.e., 1926-27 and 1927-28. 14 persons.	Dharwar .. Mugad .. Haverji .. Harajji .. Mantani .. Hirangpur .. Marlhalli .. Kalkoti .. Hosritli ..	A. g. 20 27 14 12 43 19 6 18 61 31 53 20 24 0 11 0 1 8 236 15	Year. Rs. a. p. 1926-27 .. 3,012 6 6 1927-28 .. 2,321 6 9 0,233 13 3	

Mr. D. A. JANVEKAR : Are there any special reasons for the rate in Dharwar being so high as compared with the rate in Bijapur ?

The Honourable Mr. B. V. JADHAV : I think the probable reason is that in Bijapur there is an association called the Anti-Famine Association and as they have a tractor of their own, their charges are probably a little lower.

Mr. D. A. JANVEKAR : Is it owing to the fact that in Dharwar half the cost of working expenses of the tractor is being subsidized by Government ?

The Honourable Mr. B. V. JADHAV : I could not tell you off-hand.

Question again proposed.

Reduce by Rs. 100, Total Demand under excise, Rs. 44,17,000 (C. E. page 61).

Mr. B. G. PAHALAJANI : Sir, this is a very important subject. This House had laid down a policy of prohibition long ago, but Government have now issued a press-note ending that policy. This is a cut as regards the policy. I should like your guidance, Sir, as to what the procedure should be, as to whether the non-official side of the House would be entitled to go into the whole policy. We must have some guidance as regards the effect of this cut, even if carried, upon the policy of this House or the Government. This is not a censure motion against the Honourable Minister himself but is directed against the policy of Government as constituted at present.

The Honourable the PRESIDENT : As I said yesterday, I hold this cut as a cut to raise a general discussion, particularly because there are two or three cuts of one rupee which would mean censure if they were moved. In a general discussion the policy is discussed. A vote in favour of that motion would mean that the House disapproves of change in the policy.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, yesterday I was pointing out how these monopolies had acted adversely on Government revenue and also how these monopolies acted adversely on the poor persons who are addicted to this vice. Yesterday, I pointed out that in the year 1926-27 the monopoly occurred in its most complete form. At that time the combination was so complete that in the first auction that was held, Government realised only Rs. 2,81,000. At that time the honourable member who represented Ahmedabad City was Mr. G. K. Mavlankar and he drew attention of Government and Government realised that there was something wrong in the whole affair and Government ordered the re-auction of the shops. But the re-auctions could not break the monopoly and at last Government got Rs. 4,72,200 by means of re-auctions. If the re-auction was not held and the original auction was not cancelled, Government would have been defrauded to the extent of Rs. 1,90,000. In that year the monopoly was complete. What has been the consequence of that monopoly ? I shall refer to the reply to my question printed on page 28 of the 7th list.

[Mr. J. C. Swaminarayan]

From that I shall be able to point out exactly what has been the consequence of this monopoly. In the year 1923-24, the total sale of country liquor was 47,035 gallons. In the next year, it came down, as the monopoliser got control of all the shops; the liquor sale dropped down in the next year 1924-25 to 42,938 gallons. In 1925-26 the consumption was 44,391 gallons, and in the year 1926 this monopoly was complete. What did he do? At that time all the 7 shops were under his own control, and therefore he put up the prices. He at once raised the price from Rs. 2-8-0 a bottle to Rs. 3-4-0 a bottle. There was no competitor against him, and consequently it was in his interest to sell as less liquor as possible and to gain as much profit as possible, because if he sold more liquor he would have to pay still head duty. Therefore the sale dropped down to 41,799 gallons; that is to say, Government lost still head duty on about 3,000 gallons, and at the same time the licensee extorted money from the drinking public to a very great extent by raising the prices.

The Honourable Mr. B. V. JADHAV: May I know whether the honourable member is pleading for less consumption or less revenue?

Mr. J. C. SWAMINARAYAN: I want to point out how Government have been defrauded and how the drinking public have been defrauded. When he had got a monopoly of all the 7 shops he raised the prices. Even the ration that was given to him was not taken up, and Government lost in still head duty. In the next year there were many complaints. The attention of the then Excise Minister was drawn to this state of affairs, and at last he realised the necessity of at least breaking the monopoly by giving one shop to the opposite party. Then there was real competition, and the consumption of liquor was 50,378 gallons in 1927-28; that is to say, Government realised still head duty on 9,000 gallons, and at the same time, when there was competition, they realised in license fees a much higher amount than in the previous year, namely, Rs. 1,40,000 more. Of course I warned the Government against this monopoly, but Government turned a deaf ear to it. I was then convinced that, sooner or later, he would deal a very severe blow to Government. If Government were not going to take care of themselves, I knew that in the near future they would have to suffer very serious consequences so far as revenue was concerned. This year, as I have pointed out, the realisations have been less by Rs. 87,400 on account of the combination among the bidders. Even though we point out such defects in the administration by which Government are losing their revenue, still Government do not pay attention to it, and allow things to drift in the ordinary course, and they do not pay attention to what is pointed out to them. For example, they would like to get Rs. 2 lakhs by raising the school and college fees, but if they would stop the leakage in the Excise Department, they would not be compelled to resort to this expedient of taxing the school-boys and college students. Sir, I should very much wish that this department is closed altogether, but as long as it is not closed, it must not be worked in such a way that it would enable people to aggrandise, to make combinations with the officers of the Excise Department, get undue benefits, and put

[Mr. J. C. Swaminarayan]

to trouble the people who are so unfortunate as to visit these deadly liquor shops. I should not wish that there should be any alcohol in the Bombay Presidency. I should go further and say that there should be no alcohol in the whole of India. The bogey of Indian States is raised by the Government. I think it is the duty of the Imperial Government to look to the benefit of all the people inhabiting this country, and the Indian States must obey the command of the Imperial Government. The Imperial Government should get rid of this vice that is eating into the vitals of the poor people, of aboriginal tribes and of other such people. It should be put a stop to at once, and they must compel the Indian States to follow the policy of prohibition. The policy of prohibition must be taken up by the Government of India, and it must be simultaneously applied everywhere. Government should not raise the question of the loss of revenue. The loss of revenue should be made up by reducing the military expenditure on the part of Government. If this loss is to be made up by imposing further taxes on the people of the Bombay Presidency, then I would certainly object to it, because this Presidency is already taxed to its utmost limit. I shall point out a few facts from the book "East India Accounts and Estimates, 1928-29", that has been circulated to us. On page 10 of that book we are told that the total Excise revenue in the whole country is Rs. 19,41,00,000, while Income tax is Rs. 17,35,00,000. Now, the duty of Government is to cut down the military expenditure which is at present Rs. 55 crores, and bring it down to the pre-War expenditure, namely Rs. 30 crores. By bringing down the military expenditure, they should release Income tax for provincial purposes, and in this way wipe out the excise revenue altogether. Prohibition must be brought about by this method, by the whole country taking up the question simultaneously, and wiping out alcohol altogether at one stroke of the pen, as they did in America, and not by this half-hearted policy of once taking to rationing, then going back on the rationing, once resolving not to open any further shops, next deciding to open more shops, once deciding that the poisonous drug *charas* should not be sold, and then going back on that promise and inducing the Council to decide that *charas* will be sold at the rate of Rs. 35 per seer. This is not the way in which Government can really come to the assistance of the people. The Imperial Government must cut down military expenditure, release Income tax for the use of all the provinces, and the excise revenue should be wiped out altogether. I think it was a great mistake on the part of the Prohibition Finance Committee to suggest so many taxes, transport duty, succession duty, and so many other taxes. I think it will be impossible to raise extra revenue by bleeding the people of this Presidency. I had once a talk with a cultivator. He was an honest cultivator; he was working in the field; he was a hardworking, sober man, and he said "You will kill us if you talk of wiping off the excise revenue." What will be the consequence? He said "Land revenue income is Rs. 5 crores, and excise revenue is Rs. 4 crores. If you wipe out these 4 crores, what will be the consequence? बुद्धिः किं न करोति पापम् What sin will not a hungry man commit?"



[Mr. J. C. Swaminarayan]

If Government become hungry and they have no money, they will try to find out money and the cultivators will be the handy persons and these honest people who are working in the field and finding it difficult to manage to live will have to pay double the land revenue. Government will at once pounce upon the cultivators. In order to attain the goal of prohibition we have to strike out a new path altogether. The whole country must aim at it and there should not be the problem of Indian states, who must be compelled to adopt the policy of prohibition. By one stroke of the pen all these poisonous drugs and all these alcoholic drinks must be banished from the country as has been done in America. The Minister represents the agriculturists and he is in charge of the portfolio of Agriculture. Unfortunately he has to be styled as Excise Minister against his will, as administrative exigencies have made him take charge of that portfolio also. (Interruption.) Whether it is his fault or the fault of somebody else, he has become Minister and has to take charge of this portfolio of Excise, which is eating into the vitals of the poor cultivators and the backward people. He himself would not like that these backward classes and the aboriginal tribes and their families should be ruined. To make up for the loss of revenue we must get the Meston Settlement revised and the military expenditure reduced and we must wipe out once for all the Excise Department altogether. You must replenish the loss of revenue by the transfer of income tax to the provinces. It is in this way that the Minister should help the poor people who are being led to ruin by this department.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the house in Urdu) : Sir, I support the cut for Rs. 100 moved by my honourable friend Mr. Jog. The policy of prohibition has been accepted not only by this House but by Government also. Government always try to unsettle settled policies and come forward with lame excuses for doing so. Government have now brought in the fallacious plea that because the crime of illicit distillation is increasing, and the people could not be weaned away from drink, we should open new shops in Khandesh. They further say that in spite of the fact that charas was prohibited from being imported into Bombay, a good quantity of it is being smuggled, and therefore they should themselves allow the sale of charas. These are arguments which will not stand reasoning. If illicit distillation goes on and if charas is being smuggled into the prohibited area, the only course for Government is to suppress these offences with an iron hand. If dacoities are committed, I do not think the Honourable the Home Member would set apart a fine house for these criminals to commit dacoity or would open a gambling house. This is a very flimsy and untenable ground on which Government want to go back on the policy once settled. If they cannot enforce law, Government must abdicate and make room for better people.

Secondly, Government give out the bait that they would bring in additional revenue by their present suggestion which would be spent on the transferred departments. These are mere words which will

[Mr. Haji Mir Mahomed Baloch]

never be given effect to. Government is getting four crores of rupees from Excise but they are spending only half of it on education. What has become of the additional revenue of two crores that they get from Excise? Nobody knows. Government is not educating people but they do want to make them "Mawalis" by offering facilities for intoxicants. Whether Christian, Mussalman, Hindu or Parsi all are agreed upon attaining the goal of prohibition. Government should not be allowed to go back on the policy that has been settled by this House. I hope the House will pass the cut and impress upon Government the strong views of this House on this question.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the motion. The present excise policy was laid down when you, Sir, were the Minister of Excise. This presidency is committed to stoppage of drink or consumption of liquor. We go a step further than America in this direction. Whether it be licit or illicit liquor our Government is committed to one thing and that is to stop drinking of liquor. To that policy we still adhere. From the expression of opinion in this House, I can very well say that this Council still adheres to that policy. The Minister of Excise perhaps thinks, as can be seen from his note, that the policy of rationing has failed. As a matter of fact I say that it has succeeded at least to some extent, and even if it has succeeded to some extent it is a great point gained by Government. The rationed amount is always greater than the actual consumption. That is a great triumph and I think the actual licit consumption *plus* illicit consumption perhaps would come to the rationed amount.

The Honourable Mr. B. V. JADHAV: A very moderate estimate.

Rao Saheb D. P. DESAI: Even if you add 15 per cent. more for illicit distillation, it would be far less than what it was in 1920-21. However, I leave it to the Minister to calculate the exact amount. I would however request him to note that he is there to carry out the policy of this House in a very sympathetic manner; he has got to co-operate with this House and take every possible means to decrease the consumption of liquor year by year. I have suggested in my minute of dissent, appended to the Excise Committee's report, certain points which I again lay before the Minister for his consideration. I have suggested there that one main thing, and cheaper thing too, to prevent illicit distillation is to do away with the present Excise Department. I do not mean to cast any reflection on this Excise Department, but the Excise Department is too small to cope with the problem and my suggestion is to hand over the excise administration to the Revenue and the Police Departments. Those departments have their agencies in every village; again they have their own clerks, mamlatdars and officers moving in the taluka from village to village holding conversations with the village people and they know as a matter of fact who distills liquor, who commits abkari crime and so on, but as it is not their duty they seldom meddle in the affair. Their talatis and their patils also know. When you make them responsible for this duty they will be able to stop this illicit distillation.

The Honourable Mr. B. V. JADHAV : It is not done in villages ; it is done in the jungles.

Rao Saheb D. P. DESAI : It is done in the fields, and also in the jungles ; but all the same the patel does know who are the black sheep in his own village.

Mr. H. F. KNIGHT : (Made some remark which was inaudible.)

Rao Saheb D. P. DESAI : The honourable members perhaps know that as revenue officers the patels know such things, and through them the talatis know it, and through talatis the clerks also are in a position to know it. They know who are the evil doers. After all, this is a social evil, and it will not be out of Government's duty to approach the caste panchayats and the religious heads to help them in the matter. The Honourable Minister, for example, might approach the *mullahs* or *moulvis* in Sind and so forth.

The Honourable Mr. B. V. JADHAV : Better consult Amanullah.

Rao Saheb D. P. DESAI : He can consult the religious heads in British India and I must bring to his notice that unless he adopts our oriental methods, I do not think he will be able to cope with the problem. In this country this problem should be tackled by our old traditional methods and not through Western methods of creating new departments and imposing an army of officials. You have to grapple with the problem from all sides ; we have to take into confidence the leaders of the people and leaders of various religions too. I put this aspect of the question again before Government.

It has been stated that the policy of prohibition has failed in America. It has failed, but it has also succeeded partially. That little success has led to a tremendous increase in bank deposits from the poor people ; large amounts of money have been deposited by poor people in the banks. Although these deposits in the banks do not mean much, yet they lead to the general progress of the country as a whole ; that money is productively employed, as it is called in economics—the whole money goes for productive consumption and productive manufacture. I would like that the same result may be brought about in this presidency. Government at present take about four crores of rupees, but the cost to the consumer is about seven crores of rupees. Imagine the result of all these seven crores being saved to the consumer. The money will not be hoarded by them : they will not bury it underground ; they will use it to purchase some necessities of life and such purchases will keep in motion a machinery which will lead to the progress of the presidency. That process is actually felt in America to some extent. The measure may have only partially succeeded in America ; but that is the beginning ; in the long run the effect of it specially on the rising generation will be great. If the present generation does not go without drink, I take it the rising generation will do without it. The effect on the rising generation will be marked and appreciable. That point also has got to be considered by the Honourable Minister.

The Honourable Mr. B. V. JADHAV : Certainly.

Rao Saheb D. P. DESAI : As regards the actual administration, I would like to bring one fact before the Honourable Minister. Why purchase your opium from the Government of India ? Just as you have a distillery at Nasik, why not have your own opium farm ? My district used to grow opium, and I may say that the original high assessments of land revenue were due to the cultivation of opium, indigo, sugarcane, and such sort of cash crops. Under licenses you can allow cultivators to grow opium in this presidency, and thereby you will be able to save at least two or three lakhs in actual administration and gradually stop the consumption of opium.

I am sorry that the control of this Government over the Western India States, so far as excise administration is concerned, has been taken away. As the States of Western India are indissolubly linked with the Bombay Presidency, I cannot understand why this Government gave up their control of the excise to the Agent to the Governor General.

The Honourable Mr. B. V. JADHAV : This Government could not help it.

The Honourable MOULVI RAFIUDDIN AHMAD : Obey orders.

Rao Saheb D. P. DESAI : If it is a question of obeying orders, let us carry out our own orders. First, the Government of India is concerned with foreign liquor. You on your part do not allow any licensee to sell any of the Government of India stuff, and unless you take such a strong stand, the Government of India will never come to your help or to your rescue. I perfectly agree with my honourable friend from Ahmedabad Mr. Swaminarayan that this is a national question, and the Government of India must come to the help of this Government when this Government is pursuing a policy which would be for the uplift of the masses. And if the Government of India fail to do that, or if they obstruct that policy, we must obstruct them also. That is, we must retaliate by not issuing any license for the sale of foreign liquor. Never mind we shall lose about Rs. 30 or Rs. 40 lakhs ; I would not care to lose that much amount if it would lead to some purity on our side ; of course, in that case many on the Government benches will have to go without drink (Laughter). But, after all, the Government of India will come to their senses. And even if the Honourable Minister cannot do it, I show him still another way of what to do.

The Honourable Mr. B. V. JADHAV : I am prepared to go without it.

Rao Saheb D. P. DESAI : You auction out these licenses. Give out the licenses to the highest bidders, under the present practice. In comparison to the country liquor licenses, they go very cheap. These licenses to the refreshment rooms, to the clubs, and to the shops go, comparatively speaking, very cheap. So, you must auction out these licenses and only give them to the highest bidders. Only those who can pay will be taxed and side by side reduce the number of these licenses. The Government of India will lose a lot of revenue thereby and will at once come to some sort of agreement with this Government. With these remarks I support the motion.

Mr. A. D. SHETH (Ahmedabad District): Sir, I wish to support the cut under discussion. When reading the note circulated to this House one feels that the Government is assuming, as a matter of fact, an air of injured innocence. They want to say to the House that they are for temperance, they are for prohibition, they do want to help the cause of prohibition in the presidency. But they are helpless, they cannot do it. On the contrary, the facts are otherwise. I mean to point out, Sir, that Government's hands are not quite clear in this matter. (The Honourable Mr. B. V. Jadhav: Clear or clean?) Their hands are not clean in this matter. They are not able to show their *bona fides*. By concrete instances I wish to convince Government if they are at all in need of conviction, and to convince the House as a whole that Government's *bona fides* are not proved. On the contrary, there is a state of things in the presidency that when Government could have easily helped the cause of temperance and prohibition, they have shrunk from doing it. On the contrary, they have retarded the steps towards it. I will point out one instance. In my own taluka, Dhandhuka taluka,—and in my own place of residence,—and the taluka has an area of 1,300 square miles. I assure you that there is no drinking population whatsoever.

The Honourable Mr. B. V. JADHAV: Happy area.

Mr. A. D. SHETH: Very happy area, and still treated very badly by the Excise Department of Government. It is a very big area with a very big population, and yet there is no drinking population. There is practically no consumption of liquor.

An Honourable MEMBER: Opium?

Mr. A. D. SHETH: About opium I will talk a little later on. So far as liquor is concerned at present I should like to point out that there is rarely any case of illicit distillation in the whole of the taluka. In all the liquor shops the consumption of liquor is contemptibly low, so much so. Sir, the Excise Committee of Ranpur, of which I had the honour to be a member, met, where officials and non-officials both were members. The mamlatdar and the excise inspector both are members. That committee came to the unanimous decision that there is low consumption of liquor, there is no local demand for the consumption of liquor and the shops should not be retained. The resolution is forwarded to Government. Two years have elapsed, and we have received no reply. The shop goes on: the consumption is even lower than what it was. Even the contractor of the liquor shop himself makes a statement to the committee that whatever little consumption is there in the shop is due not to the local people, but due to some wandering criminal tribes who come off and on fortnightly or monthly. In such a state of things, at such a place also, Government not only does not enquire into the whole thing voluntarily, but even when they are compelled to enquire into it, when officials and non-officials make a joint application to close the shop, for the last two years no step towards the closing of the shop has been taken....

The Honourable Mr. B. V. JADHAV: Why does he bid, if he cannot sell any?

Mr. A. D. SHETH : I just pointed out that there is no local consumption, but occasionally there are some wandering criminal tribes who come down and consume something ; otherwise the consumption is very low. There is no local consumption ; officials and non-officials are unanimous in asking for the taking away of the shop, and there is no case of illicit distillation ; and still Government not only do not move in the matter voluntarily, but when they are asked by the advisory committee to remove the shop, they do not do it. Where are the *bona fides* ? They now come to this House and say to the members on this side that illicit distillation goes on, licit consumption is reduced, and therefore it is in the interests of prohibition itself that new shops be opened. With what face can they come forward and prove to this House that in every corner of the presidency they have attempted, they have exhausted the remedies that they could apply, and they have come to the conclusion that consumption is rather high and no part of the presidency is for temperance, and therefore temperance should not be resorted to or the resolution passed before should be given the go by ? I mean to say that before changing the policy of rationing Government should make a survey of the whole presidency, of all the talukas, and after that, come forward to this House and say what are the results. After doing what they can do, after exhausting all their remedies in the interest of prohibition they should come forward with definite proposals that they may wish to make. Before doing that or anything of this kind, to come before this House and say " your original resolution was bad and therefore a new policy should be introduced " and particularly when we have a Minister who himself just now said that he is not for having drinks and is just sitting near a Moulvi (Honourable Moulvi Rafuaddin Ahmad) who is certainly against this drink, I think this policy against prohibition should not come forward before this House. With these words, I will support the cut moved by my honourable friend.

Mr. H. F. KNIGHT : Mr. President, I trust that the House will believe me when I say that in the remarks which I am going to make I will not presume for one moment to criticise the declared policy of prohibition, but I think it my duty to lay before the House my views as to the method and the effect of the method employed in at least one district of this presidency.

I had the privilege of serving in the West Khandesh district for some years, and various speakers have referred to the liquor problem in that district. Not for one minute will I deny the immense benefit to be conferred on that district if the inhabitants were to spend no money on liquor. From times immemorial, the Bhils, who form one-third of the population, *i.e.*, three lakhs, have been accustomed to drink and in many cases or on many occasions, admittedly drink to excess. In the past, every one who has attempted to ameliorate their condition has recognised this and has attempted to introduce temperance and to obviate the loss of what little money they have which they so largely spend on getting drunk. But, I am convinced that the present policy in that district is working practically against temperance ; that instead of improving the

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condition of the Bhils, it is deteriorating their condition. No one will deny that in many cases excessive indulgence in liquor produces both moral and economic deterioration, but I personally would assure this House that the moral and economic deterioration of the Bhil is proceeding faster under the present policy than it used to.

I think the honourable member Mr. Swaminarayan informed us yesterday that excise offences are manufactured by the Excise Department to justify its own existence. If he did not say so, I must blame my hearing and apologise. When I first went to West Khandesh, I admit I had suspicions about the veracity of the Excise Department and the genuineness of their cases. I therefore decided to raid a village with the excise police. You will see the cases reported in the last year's Excise Administration Report. Thirty-six or 37 houses were searched and in all of them we found liquor. A Mahomedan was openly selling illicit liquor in the bazaar and a shop keeper had an enormous heap of mhowra in his godown which he was publicly selling to other people.....

MR. B. G. PAHALAJANI: Was the Excise Department in collusion with this public selling?

MR. H. F. KNIGHT: No. I can tell you that for a certainty. From the various other enquiries I made and from my own experience of that district, I am convinced that the great majority of cases, if not all of them, are true. I speak only of West Khandesh.

One day in a remote village in Nawapur taluka, I was talking to an old gentleman about the liquor problem and he told me "God gave to the Brahmin ghee; to the Bhil He gave liquor." Now, that is the attitude of one-third of your population. Does anybody think that fifty excise police, among three lakhs of people, are going to stop drinking? Can they do it? In the old days, the Bhils got liquor very largely at the liquor shops at a reasonable price. Now-a-days, they make it in the jungles at a price which is a fraction of what they get it for at the shops. What is the result? No less liquor is drunk but far more. If the Bhil is not caught, he drinks more and at a cheaper rate. No temperance there. If he is caught, he has two alternatives. There were thousand excise cases in West Khandesh two years ago: assuming the accused were all Bhils, one in every 300 Bhils was convicted of excise offences. If caught and convicted, the Bhil has two alternatives. He goes to jail, a man guilty of no moral crime and probably a perfectly respectable householder, loving father, etc. In jail he meets the worst criminals of the district. I cannot believe that there he does not suffer moral deterioration. If he has a wife and children, they starve. When he comes out, what is his remedy? Either to make more liquor and sell it or to revert to the Bhil's ancestral trade of dacoity. There is no alternative. If he is convicted but escapes jail he is fined. Again he has alternatives. He can go to his sowkar, borrow money and pay the fine. He can pay it back to the sowkar by distilling liquor and selling it. No improvement in temperance there. Or, he can as is very often done, execute a bond which practically puts him in servitude to the sowkar, or, if he does not do that, the sowkar

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allows him a pittance to live on and takes the whole of his produce. I do not know if the honourable members opposite have ever had experience of the banking system of the taluka of Nawapur. It is interesting study to see how far the cultivator can be reduced to living on a subsistence allowance while the profits of all he grows go into the pockets of somebody else. If he does not go to the sowkar, he has still another alternative. He has no money to cultivate his fields and his wife and children starve. In this way the whole thing goes. Personally, I think that the great deterioration involved in sending a man to jail for an offence which involves no moral turpitude or driving him into the hands of the sowkar and driving his wife and children to something resembling servitude, is, in its result, far worse than the results of the deterioration which comes about as a consequence of what I am compelled to call a reasonable liquor policy in West Khandesh. I must, I am afraid, honestly warn this House that, unless the policy in West Khandesh can be changed, the House is taking upon itself a very grave responsibility. We all know that many people for the past hundred years have been trying to raise the status and the standard of living of jungle tribes. I do not profess that in West Khandesh we have gone very far but no one can possibly deny that there is an improvement and for some years now Government have been endeavouring, by free grants of land, to do what it is possible for them to do. If the policy which drives the Bhil to serfdom or dacoity is pushed to its logical conclusion, I see no possible escape from a reversion to something like the conditions that prevailed 300 years ago.

MR. B. G. PAHALAJANI: Have you got any figures of dacoities since 1921 when this policy was adopted to prove your case?

MR. H. F. KNIGHT: I have not got them here. The last case before I left Khandesh of a Bhil with three or four murders to his credit was a horrible one. He with 2 companions was returning from a dacoity and found a small boy grazing sheep. He asked the boy to hand over a sheep to eat. The boy refused. The Bhil thereupon took out a razor, cut the boy's throat, left him dying and carried off the sheep. I can quote at the moment that one instance. I had intended to read to this House a short account from the Gazetteer of the conditions among the Bhils during the last century but one. But on reflection the details appear to me to be too harrowing. Roughly, the Marathas, when they had any trouble with the Bhils collected them under a promise of protection and then murdered them. Mercifully we have passed that stage. To my mind, perhaps coloured by my experience in West Khandesh, the present policy will lead to—I would even say—the murder of the souls of the Bhils.

I, therefore, would ask this House to consider very seriously whether some modification in the excise policy in the upcountry tracts is not imperative. Of course one can make suggestions. Education is necessary. I was glad to see that the honourable mover of this cut admitted that education was the only cure for drink.



Mr. B. G. PAHALAJANI : Government has no money. The Primary Education Act is going to be scrapped.

Mr. H. F. KNIGHT : If I ever again have the privilege of serving in West Khandesh, I hope the honourable member from Sukkur will tramp over some of the Bhil hills with me.

Mr. B. G. PAHALAJANI : There are plenty of Bhils of that kind on my side, who never drink liquor.

Mr. H. F. KNIGHT : Another remedy which suggests itself to every body is to give the Bhils something else to live for ; for instance putting up a cinema show in every Bhil village. The wives and children would insist on the money being spent on the pictures. Then gold ornaments for the women might keep the husband away from the liquor shop. Then you may introduce tea shops. I remember that on one occasion in the Akrani hills I went by invitation to the patel's house. We were talking about liquor. He said he was a teetotalter, and for some years he has drunk nothing stronger than tea. He gave me some tea. As there is not the least chance of his reading the report of this debate, I may say that it was the nastiest tea I have tasted in my life. It does however suggest propaganda, the introduction of tea shops and education as the only solution for the problem which confronts one in a district like West Khandesh, and honestly, both officially and personally I would earnestly ask this House to consider very carefully the results if they refuse to agree to some modification of the liquor policy in West Khandesh, and before they introduce more drastic measures for prohibition in West Khandesh.

Mr. N. B. CHANDRACHUD (Poona City) : Sir, I rise to support the motion, and I am glad that I am having this opportunity of expressing our strong condemnation and disapproval of the Excise policy that the Bombay Government is pursuing. Sir, if any one were to ask me what is the policy of the Bombay Government so far as the Excise Department is concerned, and if I had to answer him in one word, I will not say it is exactly hypocritical, but something akin to it. I will say that their professions are one, and their practices are quite different from their professions. Take the earliest report and the latest report. What do we find ? We find it stated that the promotion of temperance is the policy of the Excise Department and not the raising of revenue. But what do we find in actual practice ? We find in actual practice that they are trying to make as much revenue out of the Excise Department as possible, regardless of the fact whether the people become drunkard or demoralised. They have no regard for the welfare of the people, so long as their coffers are full. In short, this is the policy which the Bombay Government is pursuing. History bears out the truth that this gift of drinking is the gift of the British Government. Other Governments, the Moghul Emperors and the Mahrattas never tried to make a single farthing out of excise, and it was reserved to the British Government to make money out of this drinking habit of the people. There may have been cases of illicit drinking in the past, but

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they were far and very few. Drinking on a legalised basis was never found till the advent of British rule, and it must be said to the eternal credit, or call it discredit, of British rule, that they have introduced this habit of drinking amongst a people who, by religion, by tradition and by age-long habits did not know what drinking was. With these preliminary remarks, I come to the next point.

Now Government are professing. What are their professions? They are that they are trying to promote temperance. But what are the actual figures? I will give you some actual figures. I find that the population of the Bombay Presidency in the year 1891-92 was about 16,018,000. In the year 1920 the population remains absolutely stationary; it was 16,012,342; the population rather diminished by about 6,000. But what do we find as regards the consumption of liquor? We find that the consumption of country liquor in the year 1892-93 was 2,068,652 gallons, and in the year 1920 the consumption of country liquor rose to about 2,592,174 gallons; that is, it rose by nearly 25 per cent. The population remained stationary, but the consumption of country liquor rose by 25 per cent. Leave aside country liquor. Look at the remarkable strides which the consumption of foreign liquor has made. The strides made by foreign liquor are alarming. In the year 1892-93 fermented liquor, which I think is called beer or stout—I am not a professional man in that respect—to the extent of 291,752 gallons was consumed, and in the year 1920-21 we find that the consumption of beer and stout rose to about 1,144,332 gallons; that is, there was a rise by nearly 292 per cent. So also with regard to wines. In the year 1892-93, the consumption of wines was 60,780 gallons, and in the year 1920-21 it was 103,953 gallons; there was an increase of 60 per cent. Take the case of denatured spirit. You will find, Sir, from the book which the Honourable the Excise Minister has circulated that the consumption of foreign liquor and wines and denatured spirit has increased considerably only lately. But we find that in 1892-93 the consumption of denatured spirit was 158,287 gallons and in 1920-21 it went up to 561,142 or a rise of 253 per cent. in the course of 20 or 30 years.

Now, coming to the figures of income, the House will be astounded to learn that in the year 1910-11 the budget estimate figures were about 93 lakhs. In that year Sir Richard Lamb said that the revenue had exceeded their anticipations. They anticipated 86 lakhs but they actually realised 93 lakhs and they congratulated themselves on that increase from Abkari revenue. Abnormal strides in the Excise revenue have been made since 1910-11. We find the following from the minute of dissent submitted by my friend Mr. Bhopatkar to the report of Finance-Excise Committee. The revenue from Excise in 1911 was about one crore and in 1915 it was two crores and odd, that is to say, in the course of five years there was an increase of 200 per cent. Still Government say "The promotion of temperance is our policy" when it is actually increasing revenue from Excise. Then, the revenue in 1915 from Excise was two crores and thirty-three lakhs and in the year 1920 it went up to very nearly 4 crores. That is to say, within a period of ten years the

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Abkari revenue has risen by 400 per cent. This is the promotion of temperance and this is the goal Government lead us to. I say, Sir, no words are sufficient to express our condemnation of the policy of this Government with regard to Excise. In the same report I find the revenue from Excise of the Madras and Bengal Governments :—

“The figures for this Presidency compare unfavourably with those of Bengal and Madras. While Bengal with a population of 47 millions yielded only 2 crores and 14 lakhs, and Madras with a population of 42 millions 4 crores and 87 lakhs as excise revenue in the year 1924-25, our Presidency with about 20 millions population raised the excise revenue of 3 crores and 96 lakhs in the same year; in other words, while Bengal contributed to its provincial exchequer about eight annas, and Madras rupee one, Bombay paid Rs. 2 per head of population.”

Then it is stated in the press note that has been circulated to us that the consumption of foreign liquor has increased and so also the distillation of illicit liquor has increased. To my mind these things are absolutely without foundation whatsoever. In the first place the abnormal rise in the consumption of foreign liquor is not confined solely to this period. We find that from the year 1890 to 1920 the consumption of foreign liquor had increased by 300 per cent. If we take that proportion I do not think that there is such an awful increase as has been made out to be. Then it is stated that people resort to illicit drink because the country liquor prices have gone high. Who is to be blamed for it? You are to be blamed. In order to make liquor available at cheap rate, you will have to fix the license fee and the vend fee; also fix the rate at which the liquor should be sold. So long as there are no scheduled rates for all these, the licensees bid high at auctions for their own profit and sell at any rate. If you impose a maximum price for liquor and a maximum vend fee and license fee, the prices will automatically go down and illicit distillation will stop.

We find that a very vigorous propaganda is being carried on both inside and outside the House for converting even no-changers into changers in order to support Government in their policy, which is as follows :—

“They have therefore ordered with effect from April 1st next the re-opening of 17 shops which have been closed in recent years, and they have permitted an immediate increase of 15,000 gallons in the ration figure of the district which was last fixed in the year 1926-27.”

If you read further on they give the additional revenue that will be derived as a result of this policy. What is the magnificent revenue that the mighty Government will get in addition? An additional revenue of Rs. 3,00,000. The bait is that this magnificent sum of Rs. 3,00,000 will be spent on nation-building departments. The Honourable Minister invites the co-operation of this Council in order to assist him in the rejuvenation of the nation-building departments. The statements are very amusing. I will just read—you will kindly excuse my reading it—the report of the predecessor of the present Excise Commissioner.

The Honourable the PRESIDENT : Is it the whole report ?

Mr. N. B. CHANDRACHUD : Not the whole report. It is only paragraph 54 of the Report for the year 1926-27 :—

“ In the previous Administration Reports I have already explained the serious situation which has arisen in Khandesh. This situation has become much worse and in fact almost alarming. The Collector and District Magistrate complains of the growing disregard for law and order in general and of the steadily growing moral deterioration of the Bhils. Mr. Hatch, the Commissioner, Central Division, complains that the Bhils are becoming confirmed defiers of lawful authority and endangering the peace and good government of the district as a whole.”

Why ? Because they are not allowed to drink illicit liquor ! Even the peace and good government of the district as a whole is endangered !  
“ and even agriculture is likely to suffer.”

Mr. Griffith's observations are still more amusing :

“ Mr. Griffith, the Inspector General of Police, also states ‘ unless there is a relaxation in the excise policy of Government, the relations between the Police and the people in both Khandeshes, but in particular in West Khandesh ’ will inevitably deteriorate and the progress made in civilizing the Bhil will receive a severe setback.”

Now, all persons who advocated that the Bhils should be won over from the drinking habits are lunatics. Mr. Griffith, the Inspector General of Police, states that the Bhils should be given every facility to drink or otherwise even the progress made in civilizing the Bhil will receive a severe setback. We have heard that drink is not only a vice by itself, but that it is also accompanied by certain other vices, namely, demoralisation, degradation, lunacy and crime, but the Inspector General of Police says that unless you give the Bhil full latitude for drinking the progress made in his civilization will receive a setback. That is the report of the Inspector General of Police. The incomplete report for the year 1927-28 is still more amusing. I will read only one or two sentences from that report. I refer to page 6, paragraph 63 :

“ Rationing, it may be observed, was introduced only as an experiment.”

It may be the policy of Government, but this House has fixed prohibition as their goal and they will never deviate from that.

“ Rationing, it may be observed, was introduced only as an experiment. The Bombay Excise Committee of 1922-23 recognizing the danger of illicit distillation were against extending it then to rural areas.”

The tragedy produced by rationing is then narrated :

“ The tragedy of the situation is portrayed in the following remarks of the Superintendent of Excise, Ahmedabad Sub-Division :—

“ The officers of this Department have the unpleasant duty of bringing poor illiterate rhyots to the Courts for having distilled liquor because they were not able to purchase licit liquor from the shop.....To send such people to jail means the creating of a set of criminals, who otherwise would have been perfectly law-abiding people.”

The Honourable the PRESIDENT : All honourable members have that pamphlet.

Mr. N. B. CHANDRACHUD : Sir, law and order is a weapon in the armoury of tyrants and bureaucrats when they want to impose unwholesome legislation on unwilling people and when they want to extract money by additional taxation. And that is the very reason why the cry of Law and order is raised now. Sir, I refuse to believe that a mighty government like the British Government cannot take proper precautions and check the lawless activities of the Bhils. This is not the first time that in West Khandesh there are more cases of illicit

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distillation. The particular nature of that tract affords greater facilities for illicit distillation. But the Press Note says that the peace and good government of the district as a whole is endangered and the progress made in civilizing the Bhil will receive a setback. Let not Government raise these false cries. What have Government done to persuade the Bhil from his drinking habits? Have they established temperance associations? One single individual, Mr. Thakkar of the Servants of India Society, unaided by Government has done a lot in civilising the Bhil, and Government must be ashamed to say that they cannot civilise the Bhil and persuade him from the drinking habit or from distilling illicit liquor. It is an admission of their own inability.

We find that the people of India have been admitted by historians to be by nature total abstainers, and therefore it should be easier to introduce total prohibition here, when even in countries like America and small colonies like Newfoundland they have established prohibition as their goal and actually brought it into practice.

One more point. The present Excise Commissioner has made some remarks about toddy, but those remarks are absolutely inconsistent with the remark made by his predecessor in the Excise Report of 1923-24 at page 4. I will not trouble the House with that quotation but will only say that it was admitted in 1923-24 that gradually toddy was replacing the diminished consumption of country liquor but the present Excise Commissioner says that it is not.

The Honourable Mr. B. V. JADHAV : Does the honourable member support the introduction of toddy?

Mr. N. B. CHANDRACHUD : Toddy is said to be less injurious; they say it contains about 10 per cent. of alcohol; I do not know the exact percentage of alcohol and my remarks are only based on what I have heard from others. What I have heard is that fresh toddy is even wholesome and is more or less a staple food and not a drink.

Finally, I wish to say that this House has passed a resolution that prohibition should be our ultimate goal; we have set our eyes on that goal and no amount of left-handed diplomacy will avail to lead this House astray from that goal. Whatever may be our differences in other matters, we are one in this cause. I know that according to our Hindu religion drinking is a great sin. I am sorry I have not studied the Holy Koran, but I am told that the injunction against drink is even stricter according to that.

I may give this House a personal instance, even at the sacrifice of some time. A friend and a client Mr. Noor Mahomed, who is a carpet-seller and money-lender, once upon a time came to me. Unfortunately for me, I smelt something like liquor. I asked him, "Noor Mahomed Saheb have you taken any Sharab?" He replied, "But for the fact that you are my bigger brother, I should have chastised you for asking such a question. I am a son of a true Mussalman; how can I drink Sharab or liquor? A true Mussalman will never, never drink." On this point,

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at any rate, Sir, all of us, Hindus and Mahomedans, are agreed and all of us are trying to set prohibition as our goal.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support this cut. Time, Sir, has now arrived when Government wants further indication of this House as to whether the policy of prohibition which was chalked out in 1921 should be adhered to or whether the old policy should be restored.

The Honourable Mr. B. V. JADHAV : That is not the issue, Sir. Please do not misrepresent.

Mr. F. J. GINWALLA : Sir, in spite of what the Honourable Minister says, I am driven to the conclusion that Government, in spite of their professions that they are bent upon carrying out the policy of prohibition, are not sincere in carrying out that policy. Sir, in support of that contention, I would quote no less an authority than the late Gopal Krishna Gokhale. He has stated, Sir, that he was frankly a prohibitionist, but "so far as the policy of Government is concerned", he says "although Government do not want to spread drinking, they are interested in the revenue that arises from it and that constitutes a serious difficulty in dealing with the question. Therefore, the revenue authorities should not be the licensing authority. My second point is that the system of putting licenses to auction should be abolished."

So, no less an authority than the late Mr. Gokhale foresaw that the greatest obstacle in carrying out the policy of prohibition is the revenue interest of Government. In spite of all they may say, Government have always viewed this liquor question and directed their policy mainly from the revenue point of view, and at this juncture when the excise revenue is falling and when there are other demands specially of transferred departments, Government are driven to subterfuges of stating that they cannot carry out this policy of prohibition without encouraging illicit distillation. And, therefore, the logical conclusion comes to this: We cannot stop illicit distillation, rationing has proved to be a failure, and therefore we must go back upon that policy. Sir, so far as this policy of prohibition is concerned, in this country specially, it is very easy to carry out that policy, if there is a will and a mind to do it. The traditions of the people and the religions of both Hindus and Mahomedans prescribe that it is a sin to drink.....

Mr. D. A. JANVEKAR : What about so many other religions ?

Mr. F. J. GINWALLA : So far as the religions of the majority communities are concerned, there is no obstacle in the path of Government. Now, Sir, if we study the question, from the standpoint of the West, there this policy of prohibition was effectually carried out first in Russia, when Russia in 1914 prohibited the use of Vodka. Then the policy was tried in the United States of America, and in spite of all that may be said against that policy by the anti-prohibitionists, there is no doubt that America and its people have substantially benefited by this policy

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of prohibition. Sir, to establish that, I will only draw the attention of the House and the Honourable Minister to page 10 of the Excise Committee's report. It is stated there :

"Since prohibition has been enforced, arrests have decreased by one-half to two-thirds of the usual number. Workhouses are being closed, jails are empty, hospital beds are unused, penitentiaries are losing their population and the public charities are being resorted to less and less. Employers in all industries agree that the average productive power of working men is greatly increased. From an economical point of view there are more clothes and shoes and food stuffs bought, and instead of asking of the merchant credit from pay day to pay day there are more cash purchasers. Bank deposits have increased and the respect of women has increased. There is, of course, illicit drinking, but it amounts to very little. All the saloons have disappeared. Public drinking has gone, and the secret drinking in New York is a mere fraction of what it used to be. The efficiency of the people has gone up immensely ; the prisons are going empty all over the country, and are being sold. Charitable institutions are closing. In all the schools the children seem a good deal better clad and better fed. The only opposition to prohibition comes from the richer classes. The alleged laxity of the enforcement in parts of the United States, so far as the stories are not mere interested and unscrupulous lying, is not due to any inherent impossibility of administering the prohibitory law. It is much more to be ascribed to a general weakness of law enforcement in many parts of the United States, traceable to the American habit of electing judges, chief constables and officers of police by popular vote for short term of office. Even admitting that prohibition does not secure the total extinction of liquor, it may be observed that definite good results still follow from it. It secures the abolition of legalised drink shops and this in practice is found to have certain good results."

So, Sir, so far when western countries like the United States and Russia have done it, there is no doubt that Prohibition could be carried successfully in India. Then, the question, Sir, is as to whether Government is entitled to claim this as legitimate revenue. Sir, in this connection I draw the attention of the members of the House to a note of the Honourable Mr. Shepherd, at page 168 of the report. Although he was opposed to the policy, so far as revenue is concerned, he says :

"Very little need be said on the financial issues involved. For if the evil of alcohol is what the advocates of prohibition assert it to be, the state has no more right to make money out of it, than it has to make money out of prostitution, and less than to make money out of gambling. Money must be raised in some other way, and if it cannot, then any benefits provided by Government beyond the mere maintenance of law and order must be curtailed."

Sir, here, so far as the question of revenue is concerned, Government is not entitled to this revenue.

Then, Sir, I come to the recommendations of the committee and how far Government have carried out those recommendations. These recommendations are on page 134 of the report. The first recommendation is that there should be local option. They advise that Government should pass legislation granting option for people of a definite area to declare their intention to stop liquor and toddy traffic in that area and that such legislation should provide for a reasonable time for Government to carry out the declared intention. They say that they leave it to Government and the Legislative Council to find the areas in which such option should be given. As regards this, I should like to know from the Honourable the Minister for Excise as to how far Government have carried out this part of the recommendation of the Excise Committee. Last year, I believe the then Excise Minister, the

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Honourable Mr. Pradhan, gave a definite understanding to this House that he was bent upon carrying out the policy of prohibition and he further gave us to understand that as an experiment he was going to have certain dry and wet areas and to start with, he had selected the Satara district for the purposes of making it dry. After this emphatic statement of a responsible Minister of Government, we are now told by the honourable member the Commissioner for Excise, as well as by the Honourable Minister, and the press note issued by the Revenue Department, that instead of carrying that policy out, they are telling us that the rationing policy has failed. So, instead of giving us some good information as regards making certain areas dry, they only want to make the whole of the presidency wet.

The second recommendation is regarding rationing. Now, as regards the policy of rationing, it was clearly understood at the time.....

The Honourable Mr. G. B. PRADHAN : Did the honourable member say that I promised that I would make Satara district dry ? I never made that promise.

Mr. F. J. GINWALLA : If I remember aright, a question was put to the then Honourable the Minister for Excise regarding certain tracts in Satara and he said that he was going to make certain areas dry.

The Honourable Mr. G. B. PRADHAN : I never said that. I said that I was merely considering the question of making an experiment in the Satara district. I think the honourable member Rao Bahadur Kale asked me a question on that point.

Mr. F. J. GINWALLA : The Honourable the then Minister had given us to understand that he had taken up the question of considering what parts of the Presidency could be made dry. I want to know what is the result of the investigations and what parts he selected for making dry. Instead of that, we are told that rationing has failed, that we must enhance the rations and open more shops, instead of going ahead and making the country dry, they want to make the whole presidency wet.

With regard to the policy of rationing, it was understood, Sir, so far as Bombay was concerned, that rationing should be reduced by ten per cent. and so far as rural areas were concerned, by 5 per cent. We expected that the whole of the presidency would become dry within twenty years. But instead of that, now we are being told, within ten years, that the presidency should become not dry but wet. In this connection I want to draw the attention of the House to certain remarks made by the honourable member the Excise Commissioner in his report submitted to the Council for our use. At page 4 it is stated :

"If the present policy of restricted supplies and consequent high prices of country spirit is continued, it appears only a matter of time till the masses largely discard country spirit, and take to foreign liquor, illicit country spirit, denatured spirit, and hemp drugs, licit and illicit, probably the latter, owing to the very high prices of the licit. This will involve an immense loss of excise revenue without any increase of temperance."

On page 6, paragraph 64, it is said :

"Rationing has not been adopted in any other province of India."



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In paragraph 63, it is said :

"The excise situation is getting worse each year. The present policy of rationing and other excessive restrictions is in these circumstances clearly a failure. So far from doing good it is positively harmful, as it is producing more drinking and that too of spirit of much higher strength than the Government liquor.....Rationing, it may be observed, was introduced only as an experiment. The Bombay Excise Committee of 1922-23 recognising the danger of illicit distillation were against extending it then to rural areas."

As regards this remark of the honourable member the Excise Commissioner that the Excise Committee recommended that the rationing system should not be then extended to rural areas, the honourable member the Excise Commissioner conveniently omits to read further from the Committee's report, page 133, wherein the Committee say that Government will ultimately have to enunciate means to reduce illicit use of liquor in rural areas also in order to extinguish the liquor traffic in the whole presidency. So, the Excise Committee is emphatic on this point that the liquor traffic should be clearly extinguished in the rural areas also. Now, I do not know how the Commissioner or the Government who have put up the note, are justified in saying that rationing has failed. What has rationing got to do with illicit distillation ? Sir, if we refer to the figures which have been supplied in the note, we find that instead of a rationing figure of 17,25,959, the consumption is much below the figure of 4,49,604, nearly 4½ lakhs. If they have a sufficient stock of liquor for consumption, then I fail to understand how Government are going to make out that there is illicit distillation as a result of rationing. The supply is more than ample. More than 50 per cent. of the supply is at their disposal. Therefore, it cannot be stated that there is no sufficient stock of licit liquor for consumption for the drinking people of the presidency....

The Honourable Mr. B. V. JADHAV : The question of high prices does not come in.

Mr. F. J. GINWALLA : So far as the rationing policy is concerned, it has nothing absolutely to do, I submit, Sir, with the question of illicit distillation. I do admit that the chief cause of the increase of illicit distillation is the high cost of liquor. That I do admit. In that connection, I want to know what steps have been taken by Government to reduce that cost. So much for the Bhil areas of West Khandesh.

It appears as if an alarm is sought to be created in the minds of this House that there is great amount of illicit distillation in West Khandesh ; that it is very difficult for excise officials to detect cases of illicit distillation and that therefore the legitimate revenues of Government are taken away by illicit distillers, and therefore, what ? Instead of stopping the illicit distillation, instead of tackling the problem of illicit distillation, this House is asked to drop the policy of rationing and to go back upon its declared policy of prohibition. Personally, I am of the opinion that so far as the Bhil area of West Khandesh is concerned, I do admit that Bhils are addicted to this drinking habit. But the cost of liquor should be reduced, as is done in Bombay. In Bombay, instead of the auction system, they have introduced the upset price system. If you compare the

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price of a bottle of country liquor (what is called, bevda), in Bombay it sells at about Rs. 2-8-0 per bottle. In Dhulia, Navapur, the Akrani mahal and other places it sells at Rs. 3 per bottle. The license fees which are charged there are excessive. Sir, I have taken the figures for the license fees, and I find that for a shop in Dhulia, the sale of which is 4,000 gallons 60 U.P. the license fee is Rs. 45,600; that is to say, it works out to Rs. 11, while in Bombay, for the same figure the license fee would not exceed Rs. 7,000. I do admit that the cost of liquor is more, but the license fees are four times as much, and in those places the license fee works out at nearly Rs. 27 L.P. as against Rs. 4-8-0 in Bombay. So, this is one of the causes which increases the price of liquor. Then there is no limit to the selling prices, that is to say absence of a maximum price, giving a free hand to the shopkeepers. Naturally, when you charge them heavy auction fees, they increase the price of liquor, to enable them to make some profit. If you reduce the auction fees and bring about a system by which you give the shopkeeper a decent profit, fix a maximum selling price as well as a decent upset price after taking into consideration the sale figures for the last three years, then I submit that Government will be able to bring down the cost of liquor.

The Honourable Mr. B. V. JADHAV : Does the honourable member realise that in that case an unlimited supply of liquor would have to be made available ?

Mr. F. J. GINWALLA : It has been admitted by the honourable member the Excise Commissioner that a shopkeeper makes it his business to sell as little of the rationed liquor as possible at the highest price. Naturally, he is not inclined to sell the whole of the rationed liquor, because he wants to sell at the highest rate. Naturally when you increase the price of liquor a smaller quantity is sold. You may say there will be a certain loss of revenue. I say revenue should be no consideration. I may go a step further and say.....

The Honourable Mr. B. V. JADHAV : I am not concerned with the loss of revenues.

Mr. F. J. GINWALLA : Assuming for the sake of argument that you are concerned with the revenue, then I say that the loss in revenue could be compensated by increased still head duty charges. You will get more revenue in the shape of still head duty charges; that is to say, 50 per cent. of the liquor which is not sold by the shopkeeper will be sold, and you will get increased receipts. Therefore, if Government want to tackle this question of illicit distillation, they must fix a maximum selling price, they must not charge heavy auction fees and give the shopkeepers a fair amount of profit. I can assure the Government that the complaint about illicit distillation will then go away. If you take the conditions of 1910 or the period before that, you will find that illicit distillation had not gone then to the extent that

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it is going on to-day, and the chief cause of that is the policy of Government in raising the cost of liquor. Naturally, the Bhil who used to get his little dose of drink at 6 annas, or 8 annas or 12 annas a bottle cannot afford to pay Rs. 3 a bottle, and therefore the Honourable Minister is now driven to the subterfuge of introducing the Mhowra Act in Khandesh. I say, why oppress the people in that way? Why do you want to risk a rising of the Bhils in West Khandesh by imposing further restrictions on mhowra flowers? That is not the way of tackling the problem. You will be driving the people to desperation by raising the cost of liquor. Even with an adequate staff at its disposal, the department is not able to cope with the crime of illicit distillation. I fail to understand how, by the introduction of the Mhowra Act in West Khandesh and other districts they are going to reduce the consumption of liquor with the aid of the present staff. I do not know whether they intend to send the staff to every Bhil house to search for mhowra flowers. That is absolutely a mistaken policy on the part of Government. Instead of going in the wrong direction, they should go in the direction which I have indicated.

Then, Sir, I will come to another recommendation of the Excise Committee. On page 134, one of the recommendations is: "The present system of auctioning liquor and toddy licenses should be continued. We approve of the present policy of reducing the number of shops." We were told by the Excise Commissioner last year that they had carried out the recommendations of the Excise Committee by reducing the number of shops, by reducing the consumption of liquor, and what not. But now we are told that unless we open 17 shops in Khandesh, our legitimate revenue will go. Therefore, the present policy which Government propose to adopt is diametrically opposed to the recommendation of the Excise Committee. The next recommendation which they have made is to grant excise advisory committees the power of locating liquor shops. So far as excise advisory committees are concerned, I happened to be a member of the Bombay excise advisory committee as a representative of the Corporation, and my experience of these committees is a bad experience. In spite of all our recommendations to the Collector of Bombay for removing certain shops from industrial areas, none of our recommendations was accepted. The only exception was that they would not allow one shop to be transferred from one locality to another. So far as the number and location of shops is concerned, no power has been given to the excise advisory committees. The matter went up to Government and the Honourable Minister. I think the President of this Council when he was the Excise Minister was consulted, but beyond framing certain rules nothing was done. The next recommendation relates to the location of liquor and toddy shops away from mills and factories, so as to afford less facilities to the workers for drinking, and the closing of the liquor shops in mill areas on pay day. This is the recommendation for which we have been fighting. Resolutions have been passed time and again for the closure of liquor shops on pay day and

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the removal of shops from industrial areas, but no attention has been paid to it. Government say "We are trying our best to carry out prohibition." There is no temperance movement. But when recommendations are made to promote temperance among the labouring classes, then it is Government which comes in the way.

The Honourable Mr. B. V. JADHAV: Is there one pay day for all the mills?

Mr. F. J. GINWALLA: If Government is really anxious to close liquor shops on pay day in industrial areas, then the matter of having a common pay day for all the mills could be arranged with the Millowners' Association. But they have shown no inclination whatsoever to close liquor shops on pay day, because those are the days when the work people are induced to spend a portion of their pay in drink. That part of the recommendation of the Excise Committee has been brushed aside very conveniently.

Then as regards the promotion of temperance, especially among the Bhils, I have myself seen several workers like Mr. Thakkar who are taking an interest in the welfare of the Bhils and who are trying to promote temperance among the Bhils. I know that several times the Bhils have passed resolutions not to drink. But the shopkeepers, who are interested in seeing that they drink, give them drink. The shopkeepers and liquor contractors personally go to them and offer them drink, and in this way the cause of temperance suffers. I say that if Government are really honest and sincere in their professions for the welfare of the Bhils and the promotion of temperance among them, I would like to ask them what efforts they have made to counteract the efforts of the liquor shopkeepers and contractors. What efforts have they made to promote temperance? Even if picketing is resorted to this Government comes in the way. So, there is no use of having a fling at honourable members who are working for the cause of the people that there is no genuine temperance movement.

I next come to the recommendation of the committee with regard to foreign liquor. They say that the restriction should apply to foreign liquor as well. They make an important suggestion:

The rationing of foreign liquor should be simultaneous with that of country liquor. This can best be done by the following method for controlling its import namely that bonded warehouses should be established one in Bombay and another at Karachi the only two parts in which liquor in future be allowed to be imported and that these warehouses should be made responsible for the liquor being issued to licensed traders importing foreign liquor up to such quantities only as may have been permitted to them for that year.

I ask the Honourable Minister what steps he has taken to carry out these recommendations. It may be stated that it is the business of the Government of India but what I want to know is what correspondence has passed between them and what was the reply of the Government of India. According to that suggestion a bonded warehouse should be established one in Bombay and another in Karachi; and that a limited supply should be given to merchants. That is what was suggested by

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this committee. There is another remedy of raising the license fee. Last time it was stated that they had doubled fees. If this Government is really honest in decreasing the consumption of foreign liquor, I fail to understand why they should not increase the license fees on foreign liquor shops to the extent to which it would not compete with country liquor.

Mr. J. P. BRANDER : This has been done from April 1928. Heavily increased license fees have been imposed.

Mr. F. J. GINWALLA : Still I say a further effort should be made by way of imposing a much heavier fee. Then, Sir, I am not aware whether "on" licenses have been abolished. Now, as regards the consumption of beer it has been suggested that the consumption of beer which is a mild and cheap drink has increased considerably. I think it is possible for this Government to start beer factories in Mahableshwar or Panchgani as has been done in Quetta, and Kasauli which I have myself visited. If that can be done in that part of the country, I do not understand why it should not be started in Mahableshwar or Panchgani, as its manufacture requires a cool climate.

As regards the question of toddy consumption, we find that the number of toddy trees has decreased. I fail to understand why the number of toddy trees should be decreased. As a matter of fact, it has been stated by no less a person than Mr. Lely, the then Abkari Commissioner. . . . .

The Honourable Mr. B. V. JADHAV : Is the honourable member in favour of the encouragement of toddy ?

Mr. F. J. GINWALLA : I am against strong drinks. Until the country goes dry I have no objection to substitute mild drinks in the shape of toddy.

Then I wish to draw the attention of the House to the note submitted by the Revenue Department. I want to know why this note has been prepared by the Revenue Department and not by the Honourable Minister for Excise.

The Honourable Mr. B. V. JADHAV : Excise is in the Revenue Department.

Mr. F. J. GINWALLA : Here it has been stated that Government have reluctantly come to the conclusion that the results achieved up to date have been disappointing. They proceed to say :

"The reports received from the Excise Commissioner reveal a serious situation as regards the increase of offences of illicit distillation, illicit import, increased use of foreign liquor, denatured spirit, and drugs both licit and illicit, all indicating that the present restrictions are too severe and are really producing a greater consumption of licit and illicit liquor and drugs than before owing to the excessive retail prices of licit liquor and drugs and the reduction of facilities for obtaining them."

If we compare this statement with the figures given on page 3 we will find that the situation is not as has been depicted. It has been stated by the Commissioner of Excise that there is a falling off in the consumption of licit liquor. (Interruption.) The note does not say so. The Commissioner says : "There is greater consumption of illicit liquor." I want

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to know what the facts are on which he has based this remark. The total consumption of licit and illicit liquor is greater. So far, we have not been furnished with any facts regarding illicit distillation.

The Honourable the PRESIDENT : The honourable member has been addressing the House for the last 40 minutes.

Mr. F. J. GINWALLA : I am coming to a close, Sir.

As regards the sale of charas, the recommendation of the Excise Committee has been accepted. Now Government say that charas cannot be prohibited, because it can be easily smuggled from upcountry. Therefore they say that they are helpless in preventing smuggling and they should be allowed to licensing the sale of these drugs. I think that Government want to make more money in their present straitened finances.

So, taking all these points into consideration, I am of opinion that no case has been made out by Government for going back on the policy of prohibition. This House must give a clear indication, which is wanted by the Honourable Minister and the Government, as to the policy that Government must adopt regarding prohibition. If the Honourable Minister or Government think that they can treat this House lightly and go back upon the policy of prohibition, they are mistaken. This House will set its face steadily against any attempts of Government to go back upon the policy of prohibition. If Government are unable to cope with the situation either in Khandesh or any other tracts, then they must bring proposals to deal with the situation and take the views of this honourable House. We are not going to be frightened by the bogey either of illicit distillation or of increase in the consumption of foreign liquor. I have placed several suggestions before the Council, and if they are taken there will be no necessity for going back upon the policy of prohibition.

Sir VASANTRAO DABHOLKAR : Sir, I rise to oppose the cut. Mr. President, we have got two things (Interruption), for the consideration of this honourable House, *viz.*, the speeches of the honourable members who have supported the cut and the note of the Abkari Commissioner. From that note it is clear that it was a sad day when Government succumbed to the wishes of this honourable House and declared that their goal was total prohibition within twenty years. To what extent that policy has succeeded can be measured by the increase in illicit distillation. In 1920-21 it was 2,110 gallons ; it has galloped up to 5,155 gallons in 1927-28 during the days of this Reformed Council. These representatives of the people say that they are here to safeguard the interests of the people ; and they want the people to drink strong liquor by allowing illicit distillation as the result of the rationing. (Interruption.)

Mr. President, the honourable member Dr. Gilder says that total prohibition is working ideally in America. Where did he get the idea from ? What statistics has he put forward before us to show that the total prohibition is working ideally in America ? May I know from him why the American tourists visit India every year ? This week we have a ship in the harbour and about a month ago we had another ship which

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brought these tourists over to India from America. Why did they visit ?

Dr. M. D. GILDER : To drink.

Sir VASANT RAO DABHOLKAR : I do not wish to say that but I am glad it has come from the mouth of the honourable member Dr. Gilder ; and he admits that they come to drink.

Dr. M. D. GILDER : Exactly, because there is total prohibition in America.

Sir VASANT RAO DABHOLKAR : The honourable member Mr. Swaminarayan complained that Government were going back to the old policy and away from the policy of prohibition. Government is absolutely justified in going back upon their old policy. I say Government in succumbing to the cry for the policy of total prohibition are following a weak policy for which they will repent later.

Mr. President, the honourable member Mr. Swaminarayan said that the crimes are created by the Excise Department. May I know how Government can be blamed ? I say illicit distillation is going on, because of the encouragement given for illicit distillation by these peoples' representatives like the honourable member Mr. Swaminarayan and others : they limit the consumption of licit distillation and the people go in for illicit distillation. That is why crimes increase. (Interruption.) Mr. President, I know that the honourable members are smarting under my remarks ; that is why they interrupt me. (An honourable member : Do not be nervous). I am not going to be nervous at all : on the contrary I find the nervousness on the opposite side from the way I am heckled. (An honourable member : You will soon know it.) When anything unpalatable to the honourable members opposite is said in this honourable House, the only weapon and a cowardly weapon with them is to interrupt me with constant interruptions, but they fail to understand that such interruptions help me for my arguments against them.

Mr. President, it has been stated that Government are fond of revenue, and that is why they have not encouraged the policy of total prohibition. It is hardly 24 hours since it was stated by honourable members on the other side, on the motion for a cut of five lakhs from the Revenue Demand, that the people of this presidency were so poor that they were not in a position to pay the tax. Sir, I certainly sympathise with those honourable members who expressed that view ; their words were worth recording in letters of gold. But what a somersault within 24 hours ! Those members who expressed that view, that there should be no further taxation, come forward now to advocate the policy of total prohibition, whereby Government will be losing a revenue of not less than 4 crores, and apart from those 4 crores Government will have, in order to stop illicit distillation, to maintain a department costing 2 or 3 crores. That means that the total loss to the

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presidency will be seven crores. Where is that to come from, from the pockets of the honourable members who are supporting this cut ?

Mr. B. G. PAHALAJANI : The department costs only 24 lakhs.

Sir VASANTRAO DABHOLKAR : That is the mentality of the honourable member from Sukkur. The department requires now only 24 lakhs because people now get liquor to drink, but as soon as you start total prohibition no liquor will be available to them, and as such illicit distillation will go on or the liquor will be imported in the British territories from the Indian States and to check such supplies surely, Mr. President, 24 lakhs will not suffice.

Mr. N. A. BECHAR : We will tax the landlords and the millionaires..

Sir VASANTRAO DABHOLKAR : Landlords and millionaires can look after themselves ; the communists should mind their own business.

The Honourable the PRESIDENT : Order, order. I would not allow these interruptions.

Sir VASANTRAO DABHOLKAR : Mr. President, it is stated that on account of the vice of drink many poor families have been ruined. But the honourable member who said that, Mr. Swaminarayan, did not give any figures to show how many families were actually ruined. Is drinking the only vice ? Are there not other vices ? Why does not my honourable friend bring in a bill to stop all vices ?

Sir, one of the most reasonable suggestions made during the debate that has been going on since yesterday is the one made by the honourable member Dr. Gilder, namely, that the policy of auctioning liquor shops in Bombay should be stopped. He congratulated the Honourable Minister for having stopped auction sales in Bombay, while the other prohibitionist, the honourable member Mr. Swaminarayan does not want to stop the auction sale of the liquorshops ; from this you will find, Sir, that those in favour of total prohibition are divided among themselves.

Dr. M. D. GILDER : I did not congratulate the Honourable Minister for having stopped auctioning in Bombay.

Sir VASANTRAO DABHOLKAR : I did not hear what my honourable friend said.

The Honourable the PRESIDENT : The honourable member states that he did not congratulate the Honourable Minister for having stopped auctioning in Bombay.

Sir VASANTRAO DABHOLKAR : Sir, if his memory fails him, it is not my fault. But I remember well, he said, that he was glad that auctions have been stopped in Bombay, and immediately the words came out of his mouth, I made a note. Sir, the policy of the total prohibition so much talked of here is all a bunkum. There is something at the bottom of it, and those are the political views. Mr. President,



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from the note of the Commissioner you will find that the Bombay presidency is situated in such a way that it is surrounded by the Indian States, and on account of the surroundings of Bombay presidency by the States, it is impossible for Bombay Government to introduce the policy of total prohibition. Assuming that there is a policy of total prohibition, and if Government succeeds at a great loss to the presidency, the loss of the Bombay Government would be the gain of the Indian States. My friends would say, when Government can do so many things, can they not ask the Indian States to introduce total prohibition? But the Indian States are business people, they do not want to come in khaddar to this Council and say "We have introduced total prohibition." If the Indian States have to depend very largely upon their excise revenue, the revenue which they get from excise, it would be a suicidal policy for them to start a policy of total prohibition.....

Mr. A. D. SHETH : Some of the best States have stopped liquor in Kathiawar.

Sir VASANTAO DABHOLKAR : Sir, then, coming to the Dhandhuka taluka,—I would confine my remarks to my honourable friend Mr. Sheth's place, Dhandhuka taluka,—my honourable friend the Minister was very poor in giving a compliment to that taluka as a happy one. I consider that the taluka, if it has no liquor shops, does not deserve compliments ; I won't give any. But there must be some toddy shops there.....

Mr. A. D. SHETH : No, Sir. No liquor shops ; no toddy shops.

Sir VASANTAO DABHOLKAR : If they have not got toddy shops even, I can draw the conclusion, Sir, that the people of Dhandhuka are wanting in self-reliance. (Laughter.) Mr. President, there has been so much demand for toddy in Bombay, that my honourable friend Mr. Ginwalla put a question to the Commissioner as to why toddy trees are reduced in Bombay. He knows very well that on account of the development of the Bombay Improvement Trust in the north of the island, all these trees have been rooted down, and because there is a reduction of toddy trees in Bombay, Government about six years ago permitted toddy to be imported from Salsette, which was not allowed in the old days, moreover even toddy from Salsette is not sufficient for the consumption in the city of Bombay, Government are bringing more toddy from Umbergaon to meet what ? To meet the desire of those people some of whose representatives we see here in this House.

My honourable friend from Poona city (Mr. Chandrachud) said that according to the Hindu religion it is a sin to drink liquor. First, I have a right to ask him, what right has he in the name of the Hindu religion to preach here that it is a sin to drink liquor ? Because he belongs to that community, namely, Brahmins who are engaged to worship Goddesses, and liquor is required in worshipping the goddess Gowri. It is the Brahmins who have to devote the liquor to the Goddess, and it is the Brahmin who has to preach and it is the Brahmin

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Honourable Member who says that drinking liquor is sin ! (Honourable Members : Question, question). I challenge, Sir, that during the Gowri holidays, in Bombay at least, there is a demand for liquor on the religious grounds.

Dr. M. K. DIXIT : It may be in the Prabhu community, perhaps ; not at all in the Brahmin community.

Sir VASANTRAO DABHOLKAR : If the Honourable Member cannot follow me, it is his misfortune. I think some of the Brahmins do drink. Assuming it is the Prabhu community, is it not a section of the Hindus ? It is not only the Prabhus but many other communities require liquor for worship on the Gowri days ; if they drink, there is no harm. What I say is this, that as a Brahmin, my honourable friend from Poona had no right to say, in the name of the Hindu religion, that drinking is sin, when in the Gowri worship the majority of members inside this House as well as people outside this House know that liquor is absolutely necessary for dedication to the goddess. Is it written in the shastras that goddesses should not be worshipped and that it is sin if liquor is used in worshipping them ? Is it not a fact that a Brahmin is engaged for the worship of the Goddess and liquor has to be dedicated ; and my honourable friend from Poona says that it is a sin ? What is not a sin ? Everything done in excess is a sin. Talking long in the Council and wasting time in the Council is a sin. (Laughter).....

Mr. A. D. SHETH : Resign the nominated seat. It is a sin.

Sir VASANTRAO DABHOLKAR : The Honourable Member who interrupted me wants me to resign my seat, because grapes are sour to him as nomination for him is beyond his hopes, whatever attempts he may have made or will make. Sir, I come by the most respectable constituency, and watch the interest of the Presidency and I stand up for my constituency, and I am not a man to kill my constituency as some of the honourable members are doing by preaching total prohibition and consequently encouraging illicit distillation resulting in the indulgence of a stronger drink which has a perishing effect on the health. It is said that Bombay Government has been the cause of the ruining of the poor families, has been the cause of undermining the health of the working classes. But what was the state in pre-British period ? What was the consumption of liquor in those days ? When the question of land revenue comes, Bajirao is quoted. When the question of excise comes, Bajirao is forgotten, he is quoted as it suits the members.

Mr. A. D. SHETH : We don't take you as our authority.

Sir VASANTRAO DABHOLKAR : My friend, who interrupts me one day will have to take me as his authority. (Laughter). Mr. President, let us go back a little. Some fifty years ago, when the excise rules were not so very stringent, even round about Bombay, in Dadar, for instance, before the distillery was started, when there were marriages amongst the Hindu families, liquor was allowed to be manufactured in their own

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places. If these were the things only 50 years ago, what a vast improvement has come since the creation of the Excise Department.

Mr. President, it was said here in Bombay we had an advisory committee and I must again come to that point where I have said the Government policy was weak. That advisory committee is now defunct. But what was the function of the advisory committee? It was a reign of terrorism, if any licensee was not in the good books of the advisory committee, his shop was removed on the recommendation of the advisory committee because it was a nuisance to the locality. You were the Minister of Excise, Sir, and my honourable friend Mr. Ghosal was the Commissioner of Excise. I am referring to the shop at Duncan Road in Bombay. It was represented to you when you were the Honourable Minister that there were too many shops in Duncan Road, and it was thought fit by you and the then Commissioner to close that shop, and orders by telegram were issued and the shop was closed. Now, I ask you, Sir, whether by shutting of one shop in that locality you helped in any way the policy of total prohibition. No, not at all.

The Honourable the PRESIDENT: Is the honourable member likely to take long to finish?

Sir VASANTRAO DABHOLKAR: Yes, Sir, with your permission, I may be allowed some time.

*After recess.*

The Honourable the PRESIDENT: Order, order.

Sir VASANTRAO DABHOLKAR: Sir, I was referring to your career as a Minister when I made a reference to the Duncan Road shop which was closed by a telegram. By closing that shop which existed there for 50 years, you have in no way helped the prohibition policy. Certainly not. On the contrary by closing one shop you have diverted the profits of the owner of that shop to fill the pockets of the other shop keepers in that locality. You have deprived the family which had that shop in its possession for about fifty years of their means of livelihood. I ask you, Sir, whether it was fair. I am sorry, Sir, that the honourable member who poses himself to be an authority on Hindu religion has disappeared from the Council.....

An Honourable MEMBER: Who is that?

Sir VASANTRAO DABHOLKAR: Mr. Chandrachud. He has made a reference that it is a sin in the Hindu religion to drink. May I ask him what was "Somarasa" in ancient Hindu "Yadnyas"?.....

The Honourable the PRESIDENT: I would request the honourable member not to labour that point further.

Sir VASANTRAO DABHOLKAR: I thank you for your suggestion, Sir, but it was absolutely wrong on the part of that honourable member to introduce religion in such matters in this irresponsible fashion. I am sorry for it. In such an ordinary matter, where was the necessity of bringing in one's religion? He could have said a lot of things without dragging in our religion.

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Mr. President, I have been informed that a tea-shop in Poona, in the very constituency of the same honourable member, was selling what ? It used to sell illicit liquor. To whom ? To Brahmins who formed the majority of the customers of that shop. Where does the question of Hindu religion come in ? If a Brahmin drinks liquor, he is allowed to go to a temple, but even if a member of the depressed class does not drink, he cannot get an entrance into a temple ? Why is this ?

As regards illicit distillation and bringing of liquor from Indian States, even from a foreign country like Goa, it is an open fact and the Excise Department knows it that even passengers coming from Goa bring Kaju Liquor on board the ship, drink it during the voyage of about 16 hours, and if any remnant is left, throw it into the sea before the ship touches the harbour in Bombay.

Mr. President, it has become a sort of a fancy on the part of a majority of the members of the public bodies, whether it be the Council or the Bombay Municipal Corporation, to think that if shops are not allowed on the properties belonging to such public bodies as the Improvement Trust, they are going to bring about total prohibition. Is it ever possible ? The whole of the Town of Bombay is not under the control of the Improvement Trust or in its possession. There are a good many houses on the private land. If you stop the sale of liquor or toddy in any of the Improvement Trust buildings, there are other properties where they can go. What will be the result ? The honourable member to my left suggests that if they cannot get a drink nearer homes, they go outside and that is why additional expenditure is incurred. Take the instance of the recent riots in Bombay. Some of the people thought that if the liquor shops were closed, the riots would come to an end automatically. Those shops were closed ; however, there was a higher sale of liquor outside Bombay, in places like Bandra and Thana. How was that ? How did the sale of liquor in those places jump up during the riot days in Bombay ? If there is a tendency or a habit on the part of these people, to drink poor even though they may be, it is a sort of a stimulant to them and if these stimulants are denied to them, what happens. They must go to places where they can get a drink. Even a doctor like my honourable friend Dr. Gilder sometimes prescribes a stimulant Vinum Gobie to his patients . . . . .

Dr. M. D. GILDER : To sick people only, not to healthy people.

Sir VASANTRAO DABHOLKAR : Even those stimulants which he considers a poison for healthy people are being given to the sick and weak patients. Then, how much more beneficial they must be to healthy people ? Mr. President, another honourable member was talking on the policy of total prohibition, I mean Mr. Ginwalla. He is not true to his name "Ginwalla". Absolutely not.

Most of the honourable members who had interrupted me, have disappeared from the Hall. They know well what I was going to say, in other words they had anticipated my arguments which they could not face, hence their absence.

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I do not care to address the Honourable House in their absence.

In conclusion, I should like to say only one word. It is no use telling this House "We are representing the views of the people of the Presidency or of the people of certain constituencies". Let me ask the honourable members on the opposite side, if a referendum is taken from their own constituents, how many of them will be in favour of the policy that they are following in this House? I happened to be in a place called Golvad in the Gujarat district, where toddy is abundant. It has been like a food to these poor people, and I asked them what would be their position if the tapping of date trees was stopped and toddy was prohibited after 20 years.

An Honourable MEMBER: It would be safer to themselves.

Sir VASANTRAO DABHOLKAR: But it would not be safer for you. They said, if toddy tapping is stopped, they would either break the heads of their representatives or suck their blood. These are their words; therefore the position is not safe for you the representatives of the people. Therefore, I sound a note of warning. Sir, as I have feelings for you, I say that your life is not safe. With these few words, I wish long life to each and every representative of the people.

Mr. H. B. SHIVDASANI (Surat District): Sir, when I saw the last speaker taking some tips from the honourable member the Commissioner of Excise, I knew what was coming. It is really strange that Government should have to rely for support on speeches of such nominated members who arrogate to themselves the right of representing the poor people of this Presidency. He said, let those representatives who are elected go before their constituencies, let there be a referendum, and let them see if the people of their own constituencies support the demand which they are making on the floor of this House. I would say this much: let the honourable member Sir Vasantao Dabholkar offer himself for election and let the public give their verdict about his fitness to represent their views in the Bombay Legislative Council or any other representative institution. One thing is quite noticeable, that there is no limit to the cheek of this honourable member.

An Honourable Member: Order, order.

The Honourable the PRESIDENT: I do not think that is a proper word. It is offensive.

Mr. H. B. SHIVDASANI: He started by saying.....

An Honourable Member: Withdraw.

Mr. H. B. SHIVDASANI: Why should I withdraw? I have not used unparliamentary language; he has used much more offensive language.

Sir VASANTRAO DABHOLKAR: I have never used that word.

The Honourable the PRESIDENT: It is really an offensive word.

Mr. H. B. SHIVDASANI: He also used several unhappy words.

An Honourable MEMBER : Two wrongs do not make a right.

Sir VASANTRAO DABHOLKAR : I have never used unparliamentary expressions.

Mr. H. B. SHIVDASANI : He has said that prohibition is bunkum rot.

Dr. M. K. DIXIT : And several other things.

Mr. H. B. SHIVDASANI : He said that if a stimulus was good for sick people, it must be still better for healthy people. The House can draw its own conclusions. I am really surprised that Government have to fall back upon such nominated members, and I would like to know in order to represent what Government nominate them. Do they really represent the public of the whole of the Presidency ? He has asked us what was the condition with regard to excise before the coming of the British. On that point I will just quote one or two passages. The Honourable Mount Stuart Elphinstone writing of the Mahrattas speaks as follows :

“ Drunkenness, the peculiar vice of the lower order, is almost unknown in the Mahratta country. ”

I would like to know to which order the honourable member belongs. He goes on to say :

“ .....It arises from the discouragement to the sale of spirituous liquors by public opinion and the revenue from that source is insignificant. We should do probably well to prohibit it altogether.”

I believe I am right in saying that every honourable member in this House would treat an opinion coming from such a high authority as Mount Stuart Elphinstone with great respect, and that opinion was given as early as 1819. Again, in his report in 1822, Mr. Chaplin the Commissioner for the Deccan says that the sale of *arrak* does not prevail to any great extent in the Poona, Nagar and Khandesh districts, but it is increasing in Dharwar and in Madras, and he considers that the increased prevalence of drunkenness is apt to follow the introduction of European Government. Here is a high officer of Government, occupying the position of a Commissioner, and he goes on to say that the increased prevalence of drunkenness is apt to follow the introduction of European Government. We must read this passage along with the opinion expressed by Mr. Griffiths, which was read out by the honourable member for Poona City. Mr. Griffiths said that if you changed your policy in Khandesh you will undo the progress made in civilising the Bhils, and it will receive a serious setback. The idea of your civilisation seems to be that you give them drink and they will get civilised. I will quote another authority, Mr. H. D. Robertson, Collector of Poona. He says :

“ I do not see drunkenness to be in any way prevalent in my collectorate. There are not many drunken fights in Poona, nor am I aware that there are half a dozen quarrels in a year originating from intoxicated partners.”

Now, we are told that crime has gone up because of rationing or prohibition policy. Elsewhere, Mr. Robertson says that the annual revenue from Abkari in the whole collectorate was Rs. 1,400 a year. Now, the annual revenue from excise in Poona district in 1911-12 was Rs. 7,96,000.

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The annual revenue in 1926-27 was Rs. 21,66,000. That is, there is an increase of 1500 per cent. It has gone up from Rs. 1,400 to Rs. 21 lakhs.

The Honourable the PRESIDENT: In what year was it?

Mr. H. B. SHIVDASANI: About 100 years ago. There has been an increase of 1500 per cent. in 100 years. That officer further says that the number of shops in the whole collectorate was 24, that there were only 2 stills in Poona under the control of the officers of Government, that the liquor made in those stills was stored by Government in the *tophkhana*, and issued to such persons only as obtained certificates of sickness, without which no liquor was issued. Here we see the position before the British came to India. Here we see, as the officer occupying the position of Commissioner states that drunkenness is apt to follow the introduction of European Government. So, it is not right to say that the use of liquor is in the Hindu religion, or that the Indian has always been fond of liquor, or that he cannot get along without liquor.

The policy of rationing was started in the year 1922. It was really started before the Bombay Government accepted prohibition as their goal. I would like to know from the Honourable Minister for Excise what Government have done, what practical steps Government have taken after they issued the Government Resolution in August 1924, laying down prohibition as the goal of the Bombay Government. As far as I know, no practical step has been taken by Government after the issuing of that resolution, in which they have definitely accepted the policy of prohibition as the goal. The policy of rationing was introduced before the Bombay Government accepted prohibition as the goal. That policy has not been carried out. It has been changed from time to time. In the year 1926-27, the amount of ration was reduced by 10 and 5 per cent., not on the datum year of 1920-21, but on that of the previous year. Another change that was made was that, instead of regarding the shop as a unit for rationing, the whole district was taken as the unit, so that even the quantity of liquor could be increased in a certain area, instead of being decreased in all the areas. Rationing, which was introduced before prohibition was adopted as the goal, has been stopped. It has been changed, and now Government think of giving it up altogether. I would like to know from the Honourable Minister what practical steps have been taken by Government after the issuing of the Government Resolution. Is that resolution a mere pious wish, or are Government taking any practical steps to carry out that resolution? Of course, there will always be difficulties in carrying out any policy, and when you want to bring about a change which all people consider to be advantageous, and which people in almost every part consider will lead to the moral and material improvement of the population, difficulties there will be. What have Government done to overcome these difficulties? The honourable member Mr. Knight told us that in order to bring about prohibition we should educate the people and carry

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on propaganda. I should like to know from Government what they have done to educate the people about the evils of drink. What propaganda work they have carried on to bring about prohibition? As far as I know nothing has been done. Not a pie more has been spent on education. Even the two lakhs more that they are spending on primary education is conditional on our giving more fees from schools and colleges. Still we are told that we should bring about prohibition by way of education and propaganda. There was a proposal by a Madras Minister to spend 4 lakhs on propaganda work in connection with temperance. What is Bombay Government doing? Further we are told that it is impossible to stop illicit distillation in West Khandesh. I want to know whether the condition of Khandesh is universal in the whole presidency. Every time we are told that we cannot have prohibition, because if we adopt rationing there will be illicit distillation. We are further told that the people are so habituated to drink that it would not be possible to keep down illicit distillation of liquor. The condition of Khandesh does not apply to the whole of the presidency. In several areas it is quite possible to prevent illicit distillation with some extra cost by way of additional preventive staff. Bombay City is a compact area and it should be possible to prevent illicit distillation. An additional preventive staff may be necessary to see that illicit liquor is not imported from outside. Why should not Government take one district, one area, and try the policy of total prohibition there? From the statement published on page 56 of the Report for 1926-27 we find that there are districts in which the excise revenue is 4 or 5 lakhs only. In the district of Bijapur the revenue from excise is only Rs. 4,25,000 and in Satara, from which the Honourable Minister comes, the revenue from excise is only Rs. 5,29,000. Why should not Government try this policy of total prohibition in one district where people are not so addicted to drink? The revenue that Government will have to sacrifice will not be much. Apart from that sacrifice of revenue they may have to spend an additional amount of 3 or 4 lakhs to see that no liquor is imported from outside. By trying the experiment in one particular area they will have gained valuable experience and they will be in a position to come before the House and say: "We tried the policy of prohibition in a particular area and tried the policy of attaining total prohibition in a few years. These are the practical steps we have taken and these are the practical difficulties in our way." If Government do that they would be in a better position to convince the elected members of this House that the Government have tried to carry out the policy and they have certain impediments in the way. For the last four or five years no practical step has been taken and no effort has been made to try prohibition in limited areas. Every time we are met by the bogey of illicit distillation and Indian States. I am quite sure if the British Government are honest and so desire they can induce most if not all the Indian States, to accept prohibition. I know that several Indian States in Kathiawar have introduced prohibition. They are surrounded by British territory where there is no prohibition. The British territory is very much larger and there is not so much difficulty for them to prevent the importation



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of illicit liquor from Indian States which occupy a much smaller area. When Indian States have accepted prohibition even though they are surrounded by vast British territory, why cannot British Government do the same ?

Then we were told by the *ex*-Collector of Khandesh that it was wrong to send a man to jail for crimes where there is no moral turpitude. He has drawn a tragic picture of a man so sent to jail and his return home when he sees the condition of his wife and children. I should like to know whether Government accept that view in the treatment of other offenders where there is no moral turpitude. Lately there was some agitation in Bardoli and several respectable people were arrested and sent to jail for an offence in which there was no moral turpitude. Certain people were sitting on the road outside a bungalow. It was supposed to be an annoyance to the officer in occupation of that bungalow and these people were sent to jail. Where was this view then ? Now, the honourable member gives a sermon that it would be wrong to send these people to jail for an offence which does not involve moral turpitude. Is that a fair argument when we want to introduce a great change in the policy of Excise department ? I consider that when a man practises illicit distillation there is moral turpitude. He knows he is committing an offence against the State by depriving it of its income and he causes harm to others by supplying drink and is trying to make unlawful gain. Government are not consistent in adducing such arguments.

There is one authority Caine. He says that the Government policy of selling liquor induces people to have illicit liquor. In his point of view, when you give the people appetite by supplying liquor and by regulating it you raise the price of liquor and because poor people cannot get a supply of cheap liquor they resort to illicit distillation. There is a lot to be said in favour of this view. As I have tried to show, before the British came there was no drinking. The sale of liquor was on a small scale. One district which now gives an excise income of Rs. 21,00,000 was only paying an income of Rs. 1,400. Caine says :

" I allege, on the contrary, that in nine cases out of ten the illicit still is the direct result of an appetite created in the first instance by the establishment of a Government still. The liquor hawker is generally a low fellow who is not over scrupulous. Having secured his monopoly, he finds villages in his district where no out-still or liquor shop exists. He picks up some scamp who does not greatly mind a month's imprisonment for a consideration, and induces him to start an illicit still. He then reports his illicit friend to the collector who at once grants permission for a licit still in its place. The report of the Bengal Commissioner completely bears me out in this statement."

" The report of the Abkari Commission completely bears me out in this statement."

According to this authority, the person who commits the offence of illicit distillation is not a very respectable person, as was tried to be made out. And this is the consequence of the British Government having their stills, distilleries, etc., on a high commercial scale to supply the demand which is very keenly felt according to the British Government. I therefore hope that the Honourable Minister when he gets up to reply will try to show what practical steps Government have taken

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to carry out the policy of prohibition which has been accepted by them in a Government resolution in the year 1924, as their goal. I want to know what has been done in the last four years, what steps Government have taken in educating the public as regards the evil of drink, what propaganda they have done, whether they have honestly tried to carry out the policy even in a small restricted area, whether they propose to try prohibition in a small area to find out what the difficulties are and to see how prohibition can best be brought about. With these words, I support the cut moved.

Mr. J. P. BRANDER : Mr. President, the best way for honourable members of this House to understand the excise situation of today and the modest proposals of Government for improving the situation will be a perusal of the Chapter IX of the Administration Report which is in the hands of honourable members. I will just briefly touch on the main points of it. There has been a huge decline in consumption since 1920-21 from 26 lakhs bulk gallons to 13 lakhs. Now, Sir, it seems to me that if this decline were a genuine one, that is to say, if consumption of all liquor, licit and illicit had gone down exactly by one half in such a short time, it would be a matter for satisfaction. But I maintain, Sir, that the facts and figures show that this consumption has merely been diverted to illicit distillation etc. In this chapter I have shown how exactly the consumption has been diverted and why it has been diverted. The decline of prosperity since the boom time has no doubt caused a certain decline in consumption ; there is not now so much money going about. The second cause is the very high price of country liquor under the present policy. The third cause is the reduced facilities for obtaining licit liquor as compared with formerly.

Now, the actual ways in which this consumption has been diverted have been explained as follows : The first one is, to a certain extent that consumption has gone over to hemp drugs. In certain districts in the Deccan our officers report that the population, owing to the high price of liquor, have increased their consumption of drugs such as ganja.

Mr. B. G. PAHALAJANI : Have you given any figures ?

Mr. J. P. BRANDER : Secondly, there has been increase in the consumption of charas in the Bombay City.

The next region of diversion is that of foreign liquor, and the figures have been given for that. In the last few years the consumption of foreign spirits has increased by 14 per cent. The reason is obvious : the higher prices of country liquor have driven people to the much stronger and more palatable foreign liquor. The highest strength of country liquor in Bombay City is only 40° U.P. that is to say, it is a very watery mixture compared with foreign spirit which is 25° U.P. There is also a very large increase in the consumption of beer and stout.

The third region of diversion is that of denatured spirits. Sir, this is not a matter which can be taken light-heartedly ; it is a very very serious

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matter. In 1920-21 the consumption of denatured or methylated spirit was only  $2\frac{1}{2}$  lakhs of gallons ; it is now  $3\frac{3}{4}$  lakhs of gallons. A great deal of this consumption is not for commercial uses, but simply for drinking. We have found people, labourers, round about Poona drinking methylated spirits very freely, the reason being the high prices of country liquor. The same is the case with Belgaum ; the consumption has increased from about 200 gallons up to over 5,000 gallons in a very few years. The Collector of Thana has just reported that the consumption of denatured spirit is increasing so much in the Shahapur taluka that the auction bids for country liquor shops, he expects, will be very much down. Now, the reason for this is quite natural. If you like to buy and consume denatured spirit, then for the same amount of alcohol in a given quantity of denatured spirit and country liquor, the price of denatured alcohol is only  $1/18$  of that of country liquor, and you can buy freely anywhere. The best chemists have put into it the most effective denaturants they can think of, but this has proved quite ineffective in preventing the stout hearts and stout stomachs of the rural population from consuming it. Then, it is impossible really to prevent the sale of it, because it is universally used for industry, and for consumption in stoves. The honourable member Dr. Gilder says that this problem has been tackled in America. Yes, it has been, but only by putting actual poison into the methylated spirit used there. And I hardly think that this House would favour such a procedure on the part of our Excise Department.

The next region of diversion is that of liquor in the Indian States' shops. This House is probably not aware that the Bombay Presidency has over 350 Indian States, large and small, round about it and intersecting it, and we have no control over many of these States. What happens is that British Indian subjects go across the border, often walking long distances, and consume the cheaper and stronger liquor which they get in the Indian States' shops.

Then, another sphere of diversion is that of illicit liquor, both that which is made in the Bombay Presidency proper and that which is imported from these 350 Indian States. Now, the clear indication and index of the extent of this diversion is shown by the figures of excise crimes which have increased from 2,110 in 1920-21 to 5,155 in the last year which showed an increase of 800 over the figures of the year before. The honourable member Mr. Jog said that these were mostly trivial offences, of a little excess over the legal limit of possession. This is not the case. The illicit distillation offences alone have increased from 2,882 in the year before to 3,675 in the last year. It is a fact that the actual number of offences occurring is about 50 times those detected so that going on that basis the House can easily realise that there must be about 200,000 cases of illicit distillation going on every year in this enlightened presidency. It has been stated that we should get the Chiefs of these States to fall in with the prohibition policy of this Government. This has been attempted, but practically all of them have respectfully declined to have anything to do with that policy ; they do not believe in it and

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their State revenue is largely dependent upon their excise revenue. The extent of this illicit distillation can be realised, for instance, from the statement of the Collector of West Khandesh who says that the Government liquor consumed is only one-hundredth part of the total liquor consumed in that district. (An honourable member : No figures). The Collector of East Khandesh says that only one-third of the liquor consumed is Government liquor. So, my submission is that many lakhs of gallons of illicit liquor are now being produced and consumed in the presidency. The result of the extreme pace of the prohibitive and restrictive measures which at present we are adopting is that the policy is a failure in that it really produces more intemperance and more consumption, if you add the licit and the illicit consumption together, than was the case before.

There are more offences now, and there is more general lawlessness. It is not the case that recently there has been any change in views or in policy from what it was formerly. If the administration reports of my predecessors are consulted, it will be seen that these gave the same views and facts for several years.....

Mr. B. G. PAHALAJANI : May I ask.....

Mr. J. P. BRANDER : I cannot give way to the honourable member, I am sorry. I am quite sure, Sir, that a number of the rural members are well acquainted with the extent of the illicit distillation practices. I can see that from the admissions of one or two members opposite. And the mere fact that honourable members for large towns have pooh-poohed it and ignored it will not, I think, bear much weight with fair-minded persons.

Now, we have to consider what the causes are of this very unsatisfactory situation. The first cause, in my humble opinion, is that the shops in various districts and localities are too few. This has been the experience of local administrations elsewhere. For instance, the Punjab Government, which, like most of the administrations in India, adopted a drastic prohibition policy in 1921, has had to go back upon that policy and open a large number of shops again. The second cause of the situation is that the strength of our liquor is too low for the general public, and here again, the Punjab Government had to go back from weak liquor, which it had adopted, to a strength of 20 under proof. The third cause is the high prices, and the honourable members opposite have admitted this to a large extent. Now, what is the cause of the high prices ? The reports of our Collectors and my own experience indicate that one cause is the rationing system. What happens is that the licensees take care to keep their sales well within the rationed figure, and to do that, they raise their prices accordingly, and the result is that at the end of the year the sales are far below the actual rationed figure for their shops. In fact, they have adopted the policy of maximum profit from minimum consumption, and this explains, what is to many honourable members a source of wonder, why the actual consumption in most of the districts is far below the rationed figure, though the rationed figure has been year after year reduced by

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a very large percentage. Another cause of the high prices is the abolition of the old system of fixed selling prices, which used to prevail up till 1917-18 and I was very glad to see that quite a number of honourable members are in favour of the restitution of some such system again. The honourable member Rao Saheb Dadubhai Desai went so far as to propose that along with the retention of rationing there should be fixed selling prices. But, Sir, this as a practical policy, is not at all possible, because as soon as you have low selling prices your consumption would at once go up to a considerable extent, and in many cases the consumption would go beyond the actual rationed figure of the shop. So that, if we are to have fixed selling prices at a reasonable rate within the means of the public, it will be necessary to give up this rationing system. Many honourable members are of opinion that auction is the cause of these high prices. But, I am not of that opinion. I think that, if we, along with auction, fixed our maximum selling prices, that system would work quite successfully, and, as a matter of fact, the Government of India are working it quite successfully in several of the administrations which are under them, such as British Baluchistan, etc. And another thing to remember is that a great majority of the shops in Bombay presidency are not competed for at all in auction, though the Collector fixes a very reasonable upset price, because in the vast majority of the shops only one person offers to take them at all.

Now, Sir, rationing has been an important factor in the policy of this Government for a number of years now, and it deserves careful consideration. A large number of people think that for the reduction in licit consumption rationing has the credit. But, except so far as rationing has indirectly produced high prices, I consider that rationing deserves no credit for the reduction in licit consumption.

In any case, this reduction in consumption can quite as easily and more conveniently even be secured by adhering to the old and better method of raising the stillhead duty to whatever figure is thought advisable, the only limit to the raising of such stillhead duty being that you must not raise it so high that you will drive people unable to pay heavy prices over to illicit distillers and to consuming illicit liquor. But the rationing system is really one from which nothing can be hoped in the long run for producing prohibition because what happens is that you have to stop your rationing reduction as soon as you see an actual shortage of supply in any district and that consequently the high price of whatever liquor is available is driving people over to illicit distillation, because if you do not supply the surplus required over the ration, you are practically saying to the people "Go to the illicit distiller for your supply" and no civilized Government can really take up such an attitude.

Now, I find myself agreeing with a number of honourable members on the other side of the House on quite a number of points. They, very rightly in my opinion, want the liquor to be sold at lower prices. As I have shown, you cannot combine rationing along with reasonable prices, because the consumption will soon go above the ration and

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therefore my own opinion is that it would be much better to abandon the rationing system. These high prices are very hard on the poor, as is generally admitted. The Bombay Excise Committee of 1923 saw this very clearly and did not want prices of liquor to be raised to the poorer classes. The Indian Taxation Enquiry Committee pointed out also that the high price of liquor means a very heavy taxation upon the poor. Rationing has exactly the same effect in producing the high prices which the Excise Committee wish to avoid, and I hope that when this Council realises that fact, there will be a demand from this House to try some better method of keeping down consumption. After all, there is no special virtue about this rationing system. The Honourable Member Sir Chunilal Mehta plainly announced that it was only to be an experiment. He said then that it was a kind of direct action. But we all know that direct action is now not generally thought to be the best line of political or administrative action.

Secondly, the Excise Committee were against the extension of the rationing system in rural areas because they clearly saw that that would produce illicit distillation. In view of these opinions, there should be no idea that it is a sacrosanct institution. In fact I think there is no harm to let the House into the knowledge that this rationing system was really the suggestion of a certain Civilian. In fact it was a bureaucratic invention so to speak and, therefore, this honourable House may view it with grave suspicion! It involved some most fantastic ideas. The shopkeepers were to be highly moral persons, they were to persuade people to drink as little as possible and in fact they were to be willing to destroy their own business, but such highly moral shopkeepers have not yet come to my notice and I should like to shake their hands and meet them if they do exist.

The facts are that it is impossible to change the habits of our rural and industrial population by any drastic cut such as rationing and that is why the ration figure has had to be kept for the last year or so unchanged because our population can so easily supply any deficiency in the ration from the other sources of illicit liquor which are available to them. The whole country is full of jungles, hills and mountains. Bases for illicit distillation abound everywhere. Our staff is very small and inadequate and the great majority of the rural and urban population are still as determined as ever to get liquor whenever they want it and I must admit that the situation is beyond the control of the Excise Department and its officers.

Therefore, in view of these facts, the measures now proposed are very reasonable and suitable. It has been explained that no other local Government in India has adopted this rationing system. Several of them have examined the Bombay system but have pronounced against it.

I should recommend that we should adopt the old system of what I may call automatic rationing, by raising and lowering the stillhead duty. It is just as effective as any kind of arithmetical rationing and is far more

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convenient and a far better index of how far one can safely go in restrictions than this arithmetical rationing which really is the policy of the ostrich which buries its head in the sand. We cut down our supply year by year but we blindly shut our eyes to the evil consequences which the policy brings about.

Another point is that it is necessary to restore shops in areas where illicit distillation has secured such a firm hold. There is a strong democratic support to such a step because the advisory committees have in many cases recommended the starting of these shops again.

The next point is that advisory committees, in quite a number of cases, have recommended a greater strength of liquor for particular shops. These committees are the people who really know what the local facts are.

I would also recommend that fixed selling prices along with auction should be the policy hereafter. As I pointed out, this is very successfully worked in other parts of India.

Now, the next point is *charas*. The *charas* situation in Bombay and Ahmedabad also is a very serious one indeed. It was prohibited in 1920-21, and the only result of that has been that there is now a large supply of illicit *charas*. In fact, the consumption now of illicit *charas* is considered by the Collector of Bombay to be greater than what the *charas* consumption was before.

Mr. B. G. PAHALAJANI: Can you give any figures?

Mr. J. P. BRANDER: The situation in other parts of India is very bad too. The Government of India imposed a drastic duty upon it in the North-West Frontier Province, and the only result of that has been that the whole consumption has been diverted from the licit traffic to the illicit, with an immense loss of duty to Government, and probably more consumption than there ever was before. My own view is that to get any control over a drug like this, the sale of which it is impossible, without adequate staff, to prevent, it is far better to allow the licit sale of it and to regulate the amount one wishes to be sold by the raising and lowering of the duty. Now, several honourable members have stated that *charas* is a poisonous drug. Well, Sir, as regards that, the Hemp Drugs Commission one of the members of which was a medical officer and which took many medical opinions, came to the following two conclusions, firstly that the immoderate use of *ganja* and *charas* was the exception rather than the rule, and secondly, from moderate use there is no appreciable physical, mental and moral harm. This opinion still stands good; it has never been upset, and I submit, Sir, that so long as it holds good, there need be no serious apprehension on the part of honourable members that in authorising its sale again they are doing something contrary to morals. In any case, its sale is going merrily on in Bombay city and elsewhere, and it cannot be stopped under any circumstances. Getting it under control again is the best method of reducing the actual consumption of it.

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Then, Sir, I see the accusation is made by many honourable members that Government, in these proposals, is giving up its prohibition policy. But, I maintain that this is not a true charge at all. The latest pronouncement of Government as regards its policy is contained in their resolution of 1928 on the Report of the Prohibition Finance Committee. That declaration pointed out that the present results of attempts at prohibition were very unsatisfactory, and that any further steps must be conditional on the removal of both the financial and the administrative difficulties which were now presenting themselves. The financial difficulty was the replacing of Rs. 4 crores of excise revenue and providing Rs. 2 crores for the staff required to enforce the prohibition policy. One misapprehension which has occurred is that Government made a declaration that prohibition will be achieved in 20 years. No such declaration has been made by Government. The House did recommend that prohibition in 20 years should be the goal, but Government came to the decision that the ultimate goal would be prohibition, and as I have shown above this depends upon whether it comes to be practicable. The position at present is that the actual measures which are being adopted to bring about prohibition are really making things worse instead of achieving the end which this House desires, and there is actually more intemperance and more consumption of the licit and illicit liquor and drugs combined. Therefore, it is surely common sense to do what the French proverb says, which is to retire in order that you may leap forward all the better ; and the first step in my humble opinion must be that we must first of all secure a complete control both of the licit and illicit trade ; in other words, we must establish temperance before you can go on to the further step of ultimate and entire prohibition. Unless we re-establish this control, I can assure the House that we shall get farther and farther away from effective prohibition. When once control is re-established, then it will be possible to apply gentle turns of the screw. We can ensure, for instance, that the liquor consumed by the public is purer than what they get now from the illicit distiller, and also we can gradually lower the strength to one which is lower than that supplied by the illicit distiller.

Now, there are one or two false ideas which must be exposed and condemned. One very common one is that the excise policy of Government is mainly or solely devoted to secure as much revenue as possible, and the honourable member Dr. Gilder quoted a sentence quite out of its context from Chapter IX of the Administration Report for 1927-28, which proved, he said, that the whole tenor of this report is merely a lament over the loss of revenue. But I maintain that the policy of Government in the Excise Department is not raising revenue but the promotion of temperance, and you will find that statement in the report. On this point, I should like to point out the inconsistency of certain honourable members of the House. Dr. Gilder regards all excise revenue as bad and tainted. On the other hand, the honourable member Mr. Swaminarayan condemns the department for not securing enough of this excise revenue in liquor auctions, etc. The fact, is that common



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sense people will agree that it is foolish business to throw away revenue, if your doing so is entirely failing to promote temperance and prohibition at all. It has always been the policy of Government to use the lever, the machinery of taxation to keep down the consumption of intoxicants. That has been done all along and is being done now by the application of the maxim "Maximum revenue from minimum consumption." Therefore it is quite unfair in every way to attack Government on this ground. I shall quote from my personal experience an instance how increase of taxation has brought about temperance. In my own country, Scotland, the price of whisky was so low that in the cities at night large numbers of people were rolling about drunk. But during the War, Government raised the duty on whisky so high that the poorer classes could not afford to buy whisky or could afford to buy very little. The result is that you see hardly any drunken persons. I think this is a most convincing instance of how high taxation and therefore high revenue from intoxicants is the best lever for keeping down consumption. Then, it must also be remembered that the most civilized countries use the liquor trade as one of the convenient methods of raising taxation in that form which is least objectionable. Why then should the Government be reproached for raising much more revenue by this liquor taxation than formerly, when to do so is at the same time by far the best weapon for keeping down consumption. I think it is a most unfair argument to use against Government.

So far as our country liquor is replaced by foreign liquor the gainer will be the Government of India. In proportion as every gallon in country spirit is replaced by the stronger foreign liquor imported from overseas the Bombay Government lose Rs. 17-8-0 while the Government of India gain Rs. 21-14-0. The second parties who profit at the expense of the Bombay Government are the Indian States. I have explained how they make profit at the expense of this Government. The third parties to profit are those who carry on illicit distillation. These three parties are getting our revenue and no doubt laughing at our expense. You see the effect in the decrease of 58 lakhs since four years ago. The House will realise that improvements in many directions have been stopped, improvements in education, medical relief, maintaining and construction of roads and bridges, police protection, grants to municipalities and local boards and agricultural development, and therefore the income of cultivators. I maintain that by a more scientific and wiser policy we can get a great deal of these improvements back and remove many of the financial difficulties of Government and even if we do this the consumption of licit and illicit liquor combined will not increase at all. In fact it will greatly decrease under such condition sooner or later as the application of this regulating lever of increasing taxation goes on.

The second incorrect accusation is that the Excise Department officers are against the adoption of prohibitory measures. On the contrary they are loyally carrying out the policy laid down by this House and

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Government at the risk of their lives and limbs. There are many cases in which they have suffered not only hardships but even murderous assaults made on them. In all these cases they get no sympathy from the public and they get no help either from the educated or uneducated classes. Another point is that the carrying out of the policy of prohibition would be advantageous to the Excise Department because it would result in great increases of staff; and naturally what are usually styled fat posts would go to the existing members of the department.

The speech of Mr. Knight well pointed out how the policy of excessive restriction is a hardship on the rural population in Khandesh where they are going backwards in the matter of civilisation and happiness. I invite also attention to a quotation in the Administration Report of a report from the Excise Superintendent, Ahmedabad, wherein he points out how unpleasant it is for the officers of the department to have to drag poor ryots to courts for distilling liquor which they are not able to procure from the shops. If the House only think over this, they will realise that the present measures of excessive restriction are operating very cruelly.

As regards the general situation of prohibition in the world, it has been touched upon by various members. It was natural for the educated classes in 1920-21 to adopt an extreme prohibition policy. Some honourable members have stated that the prohibition policy in the United States of America has proved a success and we must adopt that policy. We have heard a great deal about the United States; but the general testimony of people who come from there is that there is really no prohibition there at all. It is admitted that prohibition is a great failure there. They say that liquor is obtainable everywhere and by any one, but the only difference from the old state of things is that it is more expensive than before. Then the example of Ceylon was referred to by some honourable members. There prohibition was attempted partially, but it has proved a failure and has produced a worse situation than before. The only two countries that still adhere to prohibition are the United States and Finland. The general opinion is that the United States will have to give it up before long.

As regards the claim that the younger generation would be free from the contamination of liquor in the United States, I noticed in the *Times of India* the other day that a lady from America, a Miss Simonson, called prohibition the greatest curse of young America; she said there is more drink among the youth of America now than there ever was. That was the statement. The same remark, she said, applied to girls in America. Well, that is sufficient answer to that argument.

We are again told that we ought to experiment in a certain area with prohibition. This has already been tried in the Surat district where one taluka, Mandvi, had prohibition applied to it, and the experiment proved a failure. Again, the State of Bhopal tried it for six years and had to give it up. It has been said that Satara district should try it. This question was gone into financially and it was found that it would

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cost about 17 lakhs for the prohibition staff per annum and the annual recurring loss of revenue would be 3 or 4 lakhs, and the initial non-recurring expenditure would be about 13 lakhs. Now, Sir, where is this House going to find that revenue? I know the Satara district well, and I can say offhand that prohibition there would be a complete failure. Then, in other parts of India we see that the majority of the local Governments have now gone back on the extreme measures which they adopted in 1920-21.

There is another point which I have not touched at all. We see clearly that immediate prohibition or prohibition in the near future is not possible. Therefore, it seems quite unnecessary to consider the other and deeper question whether prohibition, or total abstinence from intoxicating liquor, or alcohol, is the best thing for humanity. I am not going to pronounce any opinion on that myself, but I would like to bring to notice that this question has now become instead of a settled an open one. Especially since the introduction of the prohibition policy in America, many eminent scientists and medical men have gone into this question, and very astonishing conclusions have been advanced by them. For instance Dr. Raymond Pearl, professor of Vital Statistics in the University of Baltimore in America, after going into statistics of mortality has come to the conclusion that in point of longevity moderate drinkers at every age from 30 to 100 have a somewhat longer expectation of life than the total abstainers. (Honourable members: Hear, hear.) Another instance was that Dr. Woodruff, an American army doctor in the Philippines found—his statistics are very remarkable—that the abstainers in the American Army troops in the Philippines had much worse health than the moderate drinkers, and than even the hard drinkers. The moderate drinkers and the hard drinkers stood the bad climate much better. This was not the case only of Americans and Europeans. He said that a prominent life insurance actuary at Singapore had informed him that in all tropical and sub-tropical countries the moderate drinking natives have less mortality rates, and longer lives than the abstainer. Then another point worth noticing is that so far from alcohol being under all circumstances a poison some scientists are now claiming that alcohol is actually a food. Dr. R. Hutchison in "Food and Dietetics" says that one ounce of alcohol has the food value of one ounce of butter. If this is so, it would help to explain why the rural classes go in for drinking liquor, especially in bad climates like Khandesh, where their supply of food is often inadequate, and deficient in nourishment, and it is possible that they may be following a natural instinct when they adopt this course. Last of all, I would point out that a view stated by various scientists and medical men in recent years—I do not say whether it is correct or not; I am not a scientist—is that the sugar in the food consumed by every human being actually becomes alcohol in the processes of the human body, so that the startling fact emerges that, if this opinion is correct, every one of us, even the most ardent prohibitionist, is a walking distillery. Well, Sir, I do not pronounce any opinion upon these matters. I have come to no conclusion on them, but the

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opinions quoted above are enough to show to the House that the advantage of total abstinence is a very open question, and that these opinions upset the whole basis of prohibition if they should be proved to be true. Therefore, we should not be so certain that prohibition, that is absolute teetotalism, is the healthiest mode of life for human beings.

Lastly, my own view is,—and I think it finds support in all the thoughtful literature of various countries,—that the educated classes, in their wellmeant zeal for speedy reform, have not, I fear, realised the psychological factor. The fact seems to be that the uneducated population in most countries, do require or think they require some exhilaration, to relieve them from their cares and anxieties, and at present they can or at any rate do get this from some kind of liquor or drugs. They have no clubs like us, no literature, no politics, and the only cure for their tendency to drink to excess is to educate them and to improve their social condition. It seems to be useless to try to force them by drastic measures into prohibition especially when, as in this presidency, they can so easily evade any such attempts.

The Honourable the PRESIDENT : I have no doubt that the statement made on behalf of the Excise Department has been found very useful. But I think it has taken one hour and it has been the longest speech on the subject. And that brings me to the important point, important for this House to know, that this debate will end to-morrow at 1 in the afternoon, because we started at 3-30 yesterday, and two days of our Council mean nine hours, and each day means four and a half. So, they end to-morrow at 1 p.m. I do not know whether the Honourable Minister will require long time now after this statement. But still calculating about an hour for two speakers, who will have the last word, there remains only one hour. Half past ten to eleven will be questions, and from 11 to 12 would be one hour. The point I wish to make is that after that important statement, if there are any honourable members who wish to meet that statement, it would be for them to decide who should be the real speakers. But if half a dozen or a dozen members stand up to speak, that will not be possible, unless each one talks for only five or ten minutes. Honourable members would do well if they met and decided amongst themselves as to who should be the speakers.

The House is adjourned to 10-30 a.m. to-morrow, Saturday, the 2nd March 1929.







*Saturday, the 2nd March 1929.*

The Council re-assembled at the Council Hall, Bombay, on Saturday, the 2nd March 1929, at 10-30 a.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ADDYMAN, Mr. J.  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 AMIN, Mr. H. J.  
 ASAVALE, Mr. R. S.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHURGRI, Mr. J. W.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN.  
 BOLE, Rao Bahadur S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HOSSACK, Mr. W. B.  
 HOTSON, the Honourable Mr. J. E. B.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN.  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JANVEKAR, Mr. D. A.  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.



KARKI, Mr. M. D.  
 KHUHHRO, Khan Bahadur M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD.  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALLJEE, Mr. HOOSAINBHAY ABDULLABHOY.  
 LALJI NARAYANJI, Mr.  
 LIGADE, Mr. S. P.  
 MACKIE, Mr. A. W. W.  
 MACLACHLAN, Mr. D.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHINTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. CHHOTALAL R.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH.  
 SYED MUHAMMAD KAMIL SHAH.  
 SYED MUNAWAR, Mr.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.  
 WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT : Order, order. Questions.

PUBLIC PROSECUTOR : LOAN OF SERVICES TO MILITARY  
DEPARTMENT.

Mr. HAJI MIR MAHOMED BALOCH on behalf of Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state—

(a) whether the services of the Public Prosecutor, Karachi, were lent to the Military Department from July 1928 up to date ;

(b) if the answer to (a) is in the affirmative, on what dates in each month he was out of Karachi during the period ;

(c) whether any substitute had been appointed to act in his place during his absence ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes ; from 16th July 1928 up to 1st February 1929 on which date he resigned his post as Public Prosecutor, Sind.

(b) Government have no information.

(c) Yes.

URDU SCHOOL, KAIRA, BUILDING GRANT.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether it is a fact that Government promised a free grant to the Kaira Municipality for the construction of an Urdu School ;

(b) whether, on the strength of the promise the school was constructed in 1919 ;

(c) whether the grant was to have been given from the Imperial non-recurring grant ;

(d) whether the grant has been given to the Kaira Municipality ;

(e) If the reply to (d) is in the negative, the reasons for not giving the grant and to what expenditure the amount of the grant was diverted ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) Yes.

(c) Yes.

(d) and (e) Government regret that owing to financial stringency the grant could not be paid when the building was completed in 1919-20. It may be mentioned, however that the Municipality has since received an amount of Rs. 1,327 on that account. Government are willing to pay the remaining amount of Rs. 2,443 to the Municipality as soon as funds permit, subject to the condition that a Trust Deed is immediately executed by the Municipality for the amount already received by it.

Rao Saheb D. P. DESAI : Since how many years has this financial stringency been in existence ? Since 1919-20 ? If so, have we not had surplus in the meanwhile ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not responsible for the past. This reply is with reference to the present.

Rao Saheb D. P. DESAI : Is not the Honourable Minister responsible for the present and the future ?

The Honourable the PRESIDENT : That goes without saying.

Rao Sahib D. P. DESAI : Will the Honourable Minister take this into consideration ?

The Honourable MOULVI RAFIUDDIN AHMAD : I will.

Rao Sahib D. P. DESAI : How long will the consideration take ?

The Honourable MOULVI RAFIUDDIN AHMAD : When the money will be available and when the stringency disappears.

Mr. D. A. JANVEKAR : When will the financial stringency and money become available ?

Rao Bahadur R. R. KALE : The Honourable Minister says that he is not responsible for the past. Is there no such thing as continuity of policy in Government ? If the Honourable Minister is not personally responsible for the past, is not the Government as a whole responsible for the past ? Is not this House entitled to have a reply as on behalf of Government as a whole ?

The Honourable MOULVI RAFIUDDIN AHMAD : Certainly, but what is the question ?

Rao Bahadur R. R. KALE : The question was whether since 1919-20 there was paucity of fund.

The Honourable MOULVI RAFIUDDIN AHMAD : There has been.

Rao Bahadur R. R. KALE : Then why did the Honourable Minister say that he was not responsible for the past ?

The Honourable MOULVI RAFIUDDIN AHMAD : He said that there have been some prosperity budgets and asked why was this not done ? I said that I was not responsible for the past.

Rao Bahadur R. R. KALE : My question is, even though there may not have been continuity of personnel, is not the Government as a whole responsible for the past ?

The Honourable the PRESIDENT : The simple question is, when there was surplus money, why was this not granted ?

The Honourable MOULVI RAFIUDDIN AHMAD : That I cannot say off-hand.

Rao Bahadur R. R. KALE : Will the Honourable Minister make an enquiry now ?

The Honourable MOULVI RAFIUDDIN AHMAD : I will if a question is put of me.

#### TEACHERS : COUNTING OF ACTING SERVICE.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that in Government Resolution, Educational Department, No. 737, dated the 19th August 1927, it was laid down that acting service of teachers after 1st January 1922 was to count for increment :

(b) the number of teachers in Sind who were entitled to the payment of increment under the above Government Resolution and the number of those who have actually received the increment :

(c) when the remaining teachers will receive the increment due ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) It was laid down in Government Resolution No. 737, dated the 19th August 1927, that the acting service of Assistant Masters for any period prior to 1st January 1922 cannot be allowed to count for increments.

(b) and (c) The number of teachers in Sind whose cases were affected by these orders was 29. Orders regulating the increments in the case of all these teachers have already been issued.

#### AGRICULTURAL BIAS SCHOOLS, SIND : NUMBER OF PUPILS.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the number of pupils attending Agricultural bias schools in Sind and how many of them are Hindus ?

The Honourable MOULVI RAFIUDDIN AHMAD : The latest figures available were collected in May 1928 and show that the total number of pupils attending schools with agricultural bias classes in Sind is 188 out of whom 105 are Hindus.

#### SIND LAND ALIENATION BILL : OPINIONS OF GOVERNMENT OFFICERS.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that Mr. S. H. Covernton, Special Officer appointed to report on the advisability of introducing a Sind Land Alienation Bill had invited the opinions of numerous executive and judicial officers of Sind on the principle of the Bill ;

(b) whether it is a fact that several of these officers expressed themselves strongly against the principle of the Bill ;

(c) whether they intend to publish all the opinions received by Mr. Covernton :

(d) whether it is a fact that they have not, subsequent to the submission of Mr. Covernton's report, forwarded the draft Sind Land Alienation Bill to the above officers for opinion on its detailed provisions ;

(e) whether it is a fact that it is usual for them to forward draft Bills to their officers for opinion on the detailed provisions of those Bills ;

(f) whether they intend to adopt this procedure in the case of the draft Sind Land Alienation Bill ?

The Honourable Mr. J. L. RIEU : (a) The Commissioner in Sind invited the opinions of certain Revenue officers on the principles of the Bill.

(b) Government are not prepared at present to disclose the nature of the opinions received.

(c) Government can give no undertaking to do so.

- (d) No.  
 (c) There is no such general practice.  
 (f) This will be considered in due course.

#### BENCH MAGISTRATES. SATARA : QUALIFICATIONS.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) how long the present incumbents on the Bench of Magistrates of Satara City have been acting as magistrates :

(b) what qualifications they possess :

(c) whether they know the English language sufficiently well to deal with cases coming up before them :

(d) whether there are not any pensioned servants of Government qualified by their education and experience available for doing the work of bench magistrates ?

The Honourable Mr. J. E. B. HOTSON : (a) The present incumbents on the Bench of Magistrates of Satara City have been acting as Magistrates on the said Bench with effect from the dates shown against their names below :—

(1) Khan Bahadur D. B. Cooper.	26th March 1906.
(2) Mr. S. V. Joshi ..	2nd November 1916.
(3) Risaldar Shaikh Haidar Shaikh Jangi ..	11th May 1915.
(4) Risaldar Laxman Ramji Jadhav ..	14th October 1917.
(5) Mr. P. N. Adhav ..	6th August 1919.
(6) Sardar R. R. Panditray ..	11th October 1920.
(7) Mr. Motilal Balmukund Mutha ..	16th October 1922.
(8) Mr. G. H. Devi ..	16th October 1922.
(9) Mr. V. N. Agte ..	16th October 1922.
(10) Mr. G. V. Gujar ..	29th November 1927.

(b) Adequate qualifications.

(c) Government have already informed honourable members of this House in reply to similar questions that they do not regard knowledge of English as essential.

(d) If any such persons are now resident in Satara it is open to them to inform the District Magistrate of their willingness to serve. The propriety of appointing them will then be considered in the usual way.

Rao Bahadur R. R. KALE : With regard to (c), the question was whether they know the English language. In the reply given, may I know whether there are any who know the English language ?

The Honourable Mr. J. E. B. HOTSON : Some do and some do not.

Rao Bahadur R. R. KALE : Is not the Honourable the Home Member in a position to say which of them know and which of them do not know the English language ?

The Honourable Mr. J. E. B. HOTSON : I do not see that such information would be of any value to this honourable House.

Rao Bahadur R. R. KALE : Regarding (d) it is stated that it is open to them to inform the District Magistrate of their willingness to serve. Are not Government expected to make enquiries through their officers or do Government expect people to apply for being appointed honorary magistrates ?

The Honourable Mr. J. E. B. HOTSON : In the first place, the District Magistrate does ordinarily consider whether there are any residents in the place who are suitable by reason of their qualifications. If, however, he fails to notice such person, it is open to that person to put in an application.

Rao Saheb D. P. DESAI : Is it true that the posts of honorary magistrates are reserved for recognition of services rendered by the persons concerned to the collector or to the State or to Government ?

The Honourable Mr. J. E. B. HOTSON : The acceptance of office as a magistrate is itself a service to the State.

Rao Saheb D. P. DESAI : Is it true that in recognition of services rendered either to the Collector or to the Commissioner that these posts are given to these people ?

(No reply).

#### CONVICTS UNDERGOING SENTENCE OF TRANSPORTATION FOR LIFE, KARWAR PRISON.

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to State—

(a) how many convicts sentenced to transportation for life are imprisoned in the Karwar prison ;

(b) what term of imprisonment each of them has undergone including the remission he has earned in that behalf ;

(c) if any one of them has served the period of imprisonment for 20 years or more including the remission granted to him, the reasons why he has not yet been set at liberty ?

The Honourable Mr. J. E. B. HOTSON : (a) Four.

(b) The actual imprisonment undergone and the remission earned by each of them up to 31st December 1928 are as follows :—

	Imprisonment.			Remission.		
	Y.	m.	d.	Y.	m.	d.
(1)	14	9	15	5	11	21
(2)	13	1	4	3	10	9
(3)	8	0	11	1	6	22
(4)	2	6	10	0	4	24

(c) One prisoner has completed more than 20 years imprisonment including remissions earned. He has, however, undergone less than 15 years actual imprisonment, and, on a review of all the circumstances

of his case, Government have decided that he should not be released at present.

Mr. M. D. KARKI : Before a prisoner sentenced to transportation for life is entitled to a release, is it necessary that he should undergo 15 years complete actual imprisonment ?

The Honourable Mr. J. E. B. HOTSON : No. Of course, it is seldom that anybody earns enough remissions to be entitled to a release before he has completed 15 years of actual imprisonment. The point in this case is that considering all the circumstances Government do not consider it proper to let this man go.

Mr. M. D. KARKI : Is there any circumstance wanting in him which would entitle him to a release ?

The Honourable Mr. J. E. B. HOTSON : Yes. It is the considered opinion of local officers that it would be dangerous to release this man at the present time.

Mr. M. D. KARKI : Which officers, the District Superintendent of Police or the District Magistrate ?

The Honourable Mr. J. E. B. HOTSON : It is not usual to mention the names of officers who give their opinions to Government. The District Officers concerned have given this information.

Mr. M. D. KARKI : By District Officers, does the Honourable the Home Member mean the District Magistrate or the District Superintendent of Police ?

The Honourable J. E. B. HOTSON : As a rule it means both.

Mr. J. C. SWAMINARAYAN : Will he be released when he completes 15 years ?

The Honourable Mr. J. E. B. HOTSON : I am unable to say.

Mr. M. D. KARKI : When has Government decided that he should not be released at present ?

The Honourable Mr. J. E. B. HOTSON : The case was last considered in the month of January of this year.

Mr. M. D. KARKI : Was it by Government or by the District Magistrate ?

The Honourable Mr. J. E. B. HOTSON : This was a consideration by Government of the reports received.

Mr. M. D. KARKI : In the month of January last ?

The Honourable Mr. J. E. B. HOTSON : Yes.

#### POPULATION, BROACH DISTRICT : MAHOMEDANS.

Khan Sahab A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

- (a) the total population of the Broach District ;
- (b) the number of Mussalmans amongst them ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The Honourable Member for Ahmedabad and Surat Cities is referred to Imperial Table No. VI—Religion—of the Census of India Report, 1921, Volume VIII, Part II, Tables (Imperial and Provincial).

BOMBAY DEVELOPMENT DEPARTMENT : MATERIALS DIVISION : BILLS  
PAID TO MESSRS. GEO. SERVICE.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the quantity of steel bars ordered from Messrs. Geo. Service in 1921 for housing schemes under Mr. Harvey and by whom the order was placed ;

(b) the number of bills paid to this firm for bars supplied during 1921 and the names of the officers ordering the bars, verifying the bills and making payments ;

(c) whether it is a fact that the materials division raised a debit for the supply of about 100 tons of steel bars by Messrs. Geo. Service in 1921, on the Executive Engineer, Housing Scheme No. 1 ;

(d) whether it is a fact that the Executive Engineer repeatedly refused to accept the debit as he maintained that those bars were never supplied to him ;

(e) whether it is a fact that subsequent to the Executive Engineer's leaving the service, the debit for the value of these bars was incorporated in Bombay Housing District No. 1 supplemental accounts of March 1924 under the orders of Mr. Harvey ;

(f) what reasons Mr. Harvey assigned for this adjustment, after three years ;

(g) who was the officer responsible for the supply in 1921 ?

The Honourable Sir GHULAM HUSSAIN : (a) The total quantity of steel bars ordered from Messrs. Geo. Service and Company in 1921 was 2,000 tons. Mr. E. F. Sykes, Superintending Engineer, No. 4 Project Division, placed the order with the firm after their tender was accepted.

(b) The number of bills paid to the firm for bars supplied during 1921 were four out of which three were verified by Mr. W. K. Caldwell, Executive Engineer, Mechanical District, and one was verified by Mr. J. R. Colabawalla, Executive Engineer, Materials District. The name of the officer ordering the bars is Mr. E. F. Sykes, Superintending Engineer, No. 4 Project Division. The payments were all made by Mr. G. H. Bailey, Audit and Accounts Officer, Bombay Development Scheme.

(c) and (d) No. Debits raised from time to time by the Materials District were accepted and accounted for by the Executive Engineer, Bombay Housing District No. 1. There was, however, at first a dispute about the acceptance of an invoice of 167 tons of steel out of which the Executive Engineer acknowledged only 84 tons. But subsequently he verified and accepted the full quantity of 167 tons.

(e) No.

(f) Does not arise.

(g) Mr. W. K. Caldwell.



Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : In reply to (c) it is stated that 84 tons were acknowledged by the Executive Engineer, and that money has been paid for 167 tons. Was the payment for the remaining 83 tons signed by the same Executive Engineer ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member reads the reply, he will see it is clearly mentioned there.

Mr. HAJI MIR MAHOMED BALOCH : The reply says that 84 tons were acknowledged by the Executive Engineer.

The Honourable Sir GHULAM HUSSAIN : The last sentence of the reply says : "But subsequently he verified and accepted the full quantity of 167 tons."

Mr. HAJI MIR MAHOMED BALOCH : Was the balance of 83 tons signed for by the same Executive Engineer or by somebody else ?

The Honourable Sir GHULAM HUSSAIN : As far as I can see from the reply, it was by the same Executive Engineer.

BOMBAY DEVELOPMENT DEPARTMENT : D'LISLE ROAD CHAWLS  
WORKSHOP.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that all the chawls at DeLisle Road were constructed by contractors ;

(b) whether it is a fact that the Bombay Development Department maintained a workshop at DeLisle Road for doing chawl work ;

(c) whether it is a fact that this was not required when the work was on contract basis ;

(d) whether it is a fact that no manufacture account was kept for the expenditure on this workshop ;

(e) whether it is a fact that all work done in this workshop was on behalf of the contractors and no amount was debited to any one of them ;

(f) the name of the controlling officer who permitted this state of affairs ?

The Honourable Sir GHULAM HUSSAIN (a) Yes.

(b) Yes.

(c) No. Certain materials had, in accordance with the conditions of contract, to be prepared and supplied by the Department to the contractors.

(d) Yes. None was necessary.

(e) All work was charged to the contractors and deducted from their bills at the rates previously settled in the sanctioned tender.

(f) There was no irregular state of affairs. The name of the controlling officer is Mr. T. Harvey, Superintending Engineer, No. 1 Project Division.

Mr. LALJI NARANJI : Are Government aware that the estimated cost per tenement was Rs. 1,100 and the actual cost came to be Rs. 2,100. Is this one of the reasons why there has been a loss ? The reply is that

proper accounts were not kept. The question was whether that is not an irregularity. Do Government accept that the estimates were exceeded because of such indifference towards keeping a proper check by strict accounts and estimates ?

The Honourable Sir GHULAM HUSSAIN : This is about the workshop.

Mr. LALJI NARANJI : Is this not one of the factors causing an excess of the estimates by 100 per cent ?

The Honourable Sir GHULAM HUSSAIN : The reply is that all work was charged to the contractors and deducted from their bills at the rates previously settled in the sanctioned tender. That was one of the conditions. The workshop was for the contractors' work, and the charges for all the work were deducted from the bills the contractors presented. Therefore, there was no necessity of keeping accounts.

BOMBAY DEVELOPMENT DEPARTMENT : MECHANICAL DIVISION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

- (a) the number of motor lorries and sentinel steam lorries purchased by the Divisions of the Bombay Development Department ;
- (b) the nature of the control over the use of tyres ;
- (c) the total mileage done by the lorries mentioned in (a) ;
- (d) the total number of tyres purchased ;
- (e) the average mileage given by each set of tyres ;
- (f) what the loss on lorries was ?

The Honourable Sir GHULAM HUSSAIN : (a) Sixteen sentinel steam lorries, but no motor lorries, were purchased by the Development Department.

(b) Maintenance and repairs, including control over the use of tyres, were attended to under the instructions and supervision of the Executive Engineer, Mechanical District, and, later in the case of ten lorries transferred to the Back Bay Reclamation Branch in 1925, under the direct supervision of the Workshop Foreman under instructions of the Engineer in charge of the Marine Lines Section.

(c) No record was kept of the total mileage done.

(d) About 150 tyres were purchased, of which 23 were purchased by the Marine Lines Section of the Reclamation Branch.

(e) See reply to (c). No record of the average mileage given by each set of tyres is available.

(f) The difference in the purchase and sale prices of the lorries is about Rs. 2,90,800. But this cannot be called a real loss considering the extent and the nature of service to which the lorries were put.

HIGH SCHOOLS, KARACHI.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state in respect of—

- (a) the Model High School, Karachi ;
- (b) the Mission High School, Karachi ; and
- (c) the Karachi Academy,

and for the year ending 31st March 1928 ;

- (1) the number of Muslim students classified according to the mother-tongue of each ;
- (2) the number of non-Muslim students classified according to the mother-tongue of each ;
- (3) the amount of Government grant paid for the last year ;
- (4) the total approved expenditure ;
- (5) the amount drawn as salary or otherwise by such members of the teaching staff as are also members of the governing body of the institutions ;
- (6) the proportion of Government grant to the cost per student ?

The Honourable MOULVI RAFIUDDIN AHMAD : (1) The number of Muslim students classified according to the mother-tongue of each was as under :—

	Sindhi.	Gujarati.	Urdu.	Total.
(a) Model High School .. ..	..	..	..	..
(b) C. M. S. High School ..	5	14	..	19
(c) Karachi Academy .. ..	..	109	51	160

(2) The number of non-Muslim students classified according to the mother-tongue of each was as under :—

	Sindhi.	Gujarati.	Urdu.	Marathi.	Jew.	Total.
(a) Model High School ..	504	18	1	5	1	529
(b) C. M. S. High School..	120	314	13	4	..	451
(c) Karachi Academy ..	..	33	3	..	..	36

(3) The amount of Government grant paid last year was as under :—

	Rs.
(a) Model High School .. ..	6,090
(b) C. M. S. High School .. ..	11,290
(c) Karachi Academy .. ..	2,015

(4) The total approved expenditure was :—

(a) Model High School .. ..	18,704
(b) C. M. S. High School .. ..	33,870
(c) Karachi Academy .. ..	12,011

(5) The amount drawn as salary or otherwise by such members of teaching staff as were also members of the Governing body :—

(a) Model High School—Rs. 3,900 drawn as pay by Mr. M. L. Chahilani who was the Principal of the Model High School as well as *ex-officio* Secretary and Treasurer of the Managing Board.

(b) C. M. S. High School—Nil.

(c) Karachi Academy—Nil.

(6) The proportion of Government grant to the cost per student was :—

(a) Model High School .. ..	21.7	66.8
(b) C. M. S. High School .. ..	19.7	59.1
(c) Karachi Academy .. ..	12.4	74.1

## DISTRICT LOCAL BOARDS : BIJAPUR.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state:—

(a) whether it is a fact that a Sub-Committee that was appointed by the District Local Board, Bijapur, has reported that there are some frauds committed in the affairs of the said District Local Board ;

(b) whether the said Committee consisting of two members of the Council has recommended the appointment of an independent officer to investigate into these frauds ;

(c) whether any representation, in terms of the recommendations of the sub-committee has been made to the Collector, Commissioner or Honourable Minister, Local Self-Government :

(d) whether the Collector, Commissioner or the Honourable Minister is aware of the recommendations of the Sub-Committee ;

(e) whether the Honourable Minister intends taking the steps recommended by the Sub-Committee ;

(f) what definite line of action has been taken or is proposed to be taken ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) The District Local Board, Bijapur, appointed a sub-committee of 4 members, among whom were two members of the Bombay Legislative Council to investigate and report on the petition made by Mr. Katti, Taluka Local Board, Overseer, Begewadi, in the matter of his discharge from the Board's service by the orders of the President of the Board. Before this Committee Mr. Katti made a statement making sweeping allegations regarding the water supply works carried out by the Board during the years 1925-26 and 1926-27. Thereupon the Committee submitted its report making a recommendation that an enquiry by some responsible and independent officer into the allegations made by Mr. Katti was necessary.

(c) and (d) Yes.

(e) and (f) Government have directed the Criminal Investigation Department to conduct an enquiry into the grave irregularities which appear to have occurred in the administration of the Board.

## AGREEMENTS FROM INAMDARS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state —

(a) whether it is a fact that an agreement is always taken from an inamdar whenever he applies for (1) powers under section 88 of the Land Revenue Code and (2) introduction of Survey Settlement in connection with his inam village ;

(b) if so, what the reasons and authorities therefor are and on what principles the conditions in such agreements are based ?

The Honourable Mr. J. L. RIEU: (a) An agreement is always taken when an inamdar applies under section 216, Land Revenue Code. for the introduction of a survey settlement in his village or villages.



The appointment is made by the Court separately in each case and the remuneration is according to a scale fixed by the High Court Rules. A salaried Official Liquidator will be appointed shortly.

(c) and (d) Government regret that they cannot supply the detailed information asked for. Its collection would involve an immense expenditure of time and labour.

#### PRIMARY SCHOOL TEACHERS, SURAT DISTRICT : BAD CLIMATE ALLOWANCE.

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) whether bad climate allowance is being paid to all Government servants serving in certain villages of the Surat District ;

(b) whether primary school teachers in the Surat District are still Government servants ;

(c) whether bad climate allowance is being given to primary school teachers in the Surat District ;

(d) if the answer to (c) is in the negative, what special reasons there are for depriving the primary school teachers of this allowance ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Bad climate allowance is given to Mamlatdars, Police Inspectors and Excise Sub-Inspectors and other non-Gazetted and menial Government servants serving in certain unhealthy areas in the Surat District if the Government servant concerned is not a native of, or has no residence in, the tract or place for which the allowance is claimed.

(b) No, although for several purposes they are treated as Government servants.

(c) No.

(d) As these teachers are not Government servants, the orders sanctioning bad climate allowance to Government servants are not applicable to them.

#### GOVERNMENT UNIFORMS : INDIAN CLOTH.

Mr. C. R. SHROFF (Thana and Bombay Suburban District) : Will Government be pleased to state—

(a) whether they have decided that it is desirable and practicable to use Khaddar or at least Indian made cloth for the uniform of their officials and servants, with a view to encourage and promote Indian Industry ;

(b) if the answer to (a) is in the negative the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government do not consider that Khaddar would be suitable for the uniforms of their officials and servants. They have already decided that Indian made cloth of other kinds should be used for these uniforms.

Mr. A. D. SHETH : Have they made any experiment whether it is suitable or unsuitable ?

The Honourable MOULVI RAFIUDDIN AHMAD : It does not look suitable.

Mr. LALJI NARANJI : May I know the definition of khaddar cloth according to Government ?

The Honourable MOULVI RAFI'UDDIN AHMAD : There are some specimens in this House.

Mr. LALJI NARANJI : Have they got any prejudice against the name of khaddar though the cloth of similar construction is used by them ?

The Honourable MOULVI RAFI'UDDIN AHMAD : No. On the contrary they have love for it.

MR. SAVARKAR : EXTENSION OF PERIOD OF INTERNMENT.

Mr. C. R. SHROFF (Thana and Bombay Suburban District) : Will Government be pleased to state—

(a) the reason for the extension of the period of internment of Mr. V. D. Savarkar by two years ;

(b) what arrangements Government have made for his maintenance during this period ?

The Honourable Mr. J. E. B. HOTSON : (a) The attention of the Honourable Member is invited to the answer to clauses (e) and (i) of the question of the honourable member for Eastern Sind on the same subject.\*

(b) None.

Mr. C. R. SHROFF : Is it not the duty of Government to arrange for his maintenance when he has been interned for the last five years in a particular district ?

The Honourable Mr. J. E. B. HOTSON : No request for any assistance has been yet received by Government.

Mr. C. R. SHROFF : Has not a request been made ?

The Honourable Mr. J. E. B. HOTSON : Not by Mr. Savarkar. If he wants help he will ask for it.

Mr. A. D. SHETH : What will be the attitude of Government if a request does come to Government ?

TOLL : AHMEDABAD-SARKHEJ ROAD : MAKTAMPUR-WASNA.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that the location of Wasna toll on Ahmedabad-Sarkhej Road was fixed at about miles 3 and furlongs 3 beyond the village of Maktampur-Wasna with a view to exempting the cart of the said village going to and returning from Ahmedabad from the payment of the toll tax ;

(b) if the answer to (a) is in the affirmative, on whose authority the contractor of the said toll has been permitted to fix its location nearer Ahmedabad and to levy toll tax from the carts of Maktampur-Wasna ;

(c) whether Government have taken any steps to have the said toll bar located at its proper place and to relieve the village people of Maktampur-Wasna from payment of toll tax.

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) The toll bar at Wasna has been in its present position for the last 25 years or so and it is understood that no toll is levied on carts from Wasna and Maktampur either going to or returning from Ahmedabad.

(c) Does not arise.

#### POLICE CONSTABLE, DHOLKA : ASSAULT ON A KOLI BOY.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether in or about the month of May 1928, a police constable of Dholka heavily belaboured a Koli orphan boy and suspended him head downwards in three wells ;

(b) whether the said boy is still suffering for the last four months as a result of the shock sustained by him ;

(c) if the answer to (a) and (b) are in the affirmative, the reasons why no action has yet been taken by Government against the said constable ;

(d) what action Government propose to take in future against him ?

The Honourable Mr. J. E. B. HOTSON : (a)—(d) A complaint of the nature indicated was received and the case is *sub-judice*.

#### COMPULSORY PRIMARY EDUCATION : LOCAL AUTHORITIES AND SCHEMES.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state the names of the local authorities that have not as yet prepared or are not willing to prepare and submit schemes for the purpose of introducing free and compulsory primary education in their respective districts ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government have so far not received schemes for the introduction of compulsory elementary education from the local authorities mentioned in the accompanying list. Government have no information which of these local authorities have not yet prepared such schemes or are not willing to do so.

*List of Local Authorities from which schemes for the introduction of compulsory elementary education have not been received by Government up to now.*

#### LOCAL BOARDS.

##### Northern Division.

1. District Local Board, Ahmedabad.
2. Do. Kaira.
3. Do. Panch Mahals.
4. Do. Broach.
5. Do. Surat.
6. Do. Thana.



*Central Division.*

7. District Local Board, East Khandesh.
8. Do. Nasik.
9. Do. Sholapur.

*Southern Division.*

10. District Local Board, Belgaum.
11. Do. Kanara.
12. Do. Kolaba.
13. Do. Ratnagiri.

*Sind.*

14. District Local Board, Hyderabad.
15. Do. Sukkur.
16. Do. Nawabshah.
17. Do. Thar Parkar.
18. Do. Upper Sind Frontier.

*Bombay Suburban.*

19. District Local Board, Bombay Suburban District.

## MUNICIPALITIES.

*Northern Division.*

1. Viramgam.
2. Nadiad.
3. Godhra.
4. Dohad.
5. Rander.
6. Bulsar.
7. Thana
8. Kalyan.

*Southern Division.*

18. Nipani
19. Bijapur.
20. Bagalkot.
21. Dharwar.
22. Hubli.
23. Vengurla.

*Sind.**Central Division.*

9. Sangamner.
10. Amalner.
11. Nandurbar.
12. Malegaon.
13. Poona Suburban.
14. Baramati.
15. Lonavla.
16. Barsi
17. Pandharpur.

24. Hyderabad.
25. Tando Mahomad Khan.
26. Sukkur.
27. Shikarpur.
28. Garhi Yasin.
29. Rohri.
30. Larkana.
31. Ratodero.
32. Tando Adam.
33. Shahdadpur.
34. Mirpurkhas.
35. Umarkot.
36. Jacobabad.

## REVENUE SUBORDINATES, POONA : COMPENSATORY ALLOWANCE.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether they have granted compensatory allowance to the revenue subordinates at Poona ;

(b) if so, since when.

Honourable Mr. J. L. RIEU : (a) Yes, they are granted a house rent allowance of Rs. 5 per mensem provided that their pay does not exceed Rs. 100 per mensem.

(b) Since 1st March 1926.

Mr. W. S. MUKADAM : Will you allow me to ask my questions, Sir ?

The Honourable the PRESIDENT : The honourable member was absent when his name was called out. I have been following one uniform practice.

Mr. W. S. MUKADAM : When Sardar Mujumdar's questions were being asked, I was entering the hall. If my name was called out, I did not hear it.

The Honourable the PRESIDENT : In that case, I will allow it.

#### POLITICAL PARTIES, PANCH MAHALS.

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that under the instructions and with the help of Mr. W. W. Smart, I.C.S., Commissioner, Northern Division, a Loyalist party under the leadership of Khan Saheb Saherwala has been formed in Panch Mahals District of Gujerat to crush down the influence of the Nationalist Party working in the various institutions of the District ?

The Honourable Mr. J. E. B. HOTSON : No.

Khan Saheb A. M. MANSURI : What is the source of the information of the honourable member ?

The Honourable the PRESIDENT : Order, order. The discussion on the motion with regard to the Excise Department will now be resumed.

Question again proposed.

Reduce by Rs. 100. Total demand, Rs. 44,17,000.

Mr. R. G. PRADHAN (Nasik District) : Mr. President, I have listened with considerable interest not unmixed with occasional feelings of amusement to the long speech made by the honourable member the Excise Commissioner. As I listened to that portion of his speech which related to the longevity of life by means of alcohol, I could not suppress the reflection that my honourable friend has missed his vocation ; that his proper vocation lay in organising and leading a movement for the promotion of longevity by the compulsory use of alcohol. I would suggest in all sincerity and humility that he had better devote himself to such a movement and I would further make a suggestion that no one should be enrolled as a member or supporter of this movement unless he takes an oath that at his breakfast he would use not bread and butter but bread and alcohol.

Sir, I wish at the very outset to deal with the most important point in his speech referring to the policy of prohibition. My honourable friend said that the period of 20 years during which that policy was to be realised was not accepted by Government. His exact words are :

"One misapprehension which had occurred is that Government made a declaration that prohibition will be reached in 20 years. No such declaration has been made by Government. The House did recommend that prohibition in 20 years should be the goal

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but Government came to the conclusion that the ultimate goal would be prohibition as I have shown above. It depends upon whether it comes to be practicable."

Now, I submit that it is nothing but quibbling and I ask the Honourable Minister to make an explicit declaration as to whether he accepts the statement about the exact meaning of the policy which Government have declared they have adopted which my honourable friend has put upon that policy. What does he mean? Does he mean that no attempt should be made to realise that policy at all? Does he mean that we are to wait and Government are to wait until by some process or by the working of some forces (An Honourable Member: Miracles) the practicability of the policy becomes automatic and spontaneous? Is that the meaning or interpretation of the statement which has been made by the Honourable Minister of Excise? In other words, does it mean that we are not to make any effort at all to make that policy more and more practicable? That is the question which I ask clearly to the Honourable Minister and I submit that he ought to answer the question in the same plain categorical manner.

In the long speech he made the honourable member the Excise Commissioner has tried to explain the situation and he has suggested certain remedies by which according to him that situation can be improved. Now, there is one undeniable fact which nobody can deny. It is this: that as a result of the present policy there has been a very large reduction in consumption of country liquor. That is a fact which it is impossible for any man to deny. But then, the honourable member the Excise Commissioner points out that there has been illicit distillation which is accounted for by him by several circumstances or several factors. As regards this what we want to urge is this: That we refuse to place implicit trust in the official reports or official version about illicit distillation and so on and that we shall not be satisfied unless and until an independent and impartial enquiry is made into this question of alleged illicit distillation. It is necessary by means of such an independent inquiry to find out exactly the nature and extent of this alleged illicit distillation. Unless that is done we refuse to believe any official testimony trotted out in favour of this alleged illicit distillation. Then the conclusion which the honourable member the Excise Commissioner draws is this: that the system of rationing must be given up and he refers to combining rationing with lowering the prices. I agree with him that the price should be lowered; to that extent I am prepared to go with him. My contention is that the lowering of the price should go hand in hand with the continuance of the existing system of rationing. I know what the consequence of this will be. The consequence of this will be that Government will suffer in revenue. Even the existing amount of 4 crores of rupees which are got now will be reduced. No doubt, that will be the consequence of continuing the present system of rationing with reduction in price of liquor. But that is a consequence which the Government must face and any financial loss that may occur from the continuance of this policy and from the continuance of rationing and reduction of prices that loss must be recouped by the

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adoption of financial measures which the Excise Prohibition Committee have recommended in their report. The Prohibition Committee have made certain recommendations as to how the financial loss could be made up and they have also laid down the lines and the gradual manner in which this loss can be made up. Therefore, it is no use Government ignoring these recommendations. There is, I submit, absolutely no objection to the reduction of price and combining such reduction with the continuance of the rationing system.

Then, Sir, if the proposals which are now made on behalf of the Government are carried out, it will, I submit, amount to a virtual abandonment of the present policy of realising the ultimate goal of prohibition. You may be sophistical in your arguments; you may try to show that black is white and white is black; you may feel apprehensive that if you declare plainly that in the opinion of Government the prohibition policy is a failure, will always remain a failure, will never be attained, such a bald statement will be unpalatable, will not be acceptable to public opinion, and probably a storm of indignation and opposition will be roused against the Minister; you may think all that and therefore you may try to sugar your pills. But depend upon it, no one is going to be deceived by all these attempts. There can be no doubt that if the proposals are sanctioned by this Council, which I hope they will never do, and are carried out, the net ultimate result would be that the policy of prohibition will receive its death-blow; there can be no doubt about that. And, therefore, it is extremely surprising—it surprises me and it amuses me—that in the statement and in the speeches of the honourable member the Excise Commissioner and of others on behalf of Government, an attempt has been made to show that in spite of all this, Government want to carry out the policy of prohibition. That, Sir, I submit, is an attempt by which nobody will ever be deceived. As I have said, the more straightforward course for the Government and for the Honourable Minister if they think, if they have come to the conclusion after a full reconsideration of the whole question, that this policy of prohibition is not at all practicable and cannot be realised in the conditions of this presidency, is to tell the Council plainly that that is their conclusion, and then we shall see how to deal with that matter. But these subterfuges—I cannot characterise them otherwise—on which their hearts are made up are unworthy of the Government and as such are not likely to deceive any person.

Then, Sir, my honourable friend the Commissioner of Excise, towards the concluding portion of his speech has become somewhat of a research scholar, and then he has gone on dilating upon the effects of prohibition in America and in other countries. Well, it would have been much better if he had avoided any controversial matters of this kind. I have studied prohibition in America just as much as he has, if not more than he has done. I have read one book on the subject in which the question has been thoroughly discussed and considered, the *pros* and *cons* of the matter have been gone into; and I think it is somewhat audacious to say that prohibition in America has been an utter failure. There have

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been opinions expressed by responsible and weighty men in favour of the success which the policy of prohibition has attained in America. So, I think it would have been much better if no such attempt had been made by any Government officer at describing what the results are of prohibition in America and Finland and so on. Well, I even go further and I am prepared to assume for argument's sake that prohibition has become a failure in America. But that is no conclusive argument that prohibition will become a failure in this country also. The conditions of America and of Finland are different from the conditions of India. Prohibition may be a failure in a cold country like Finland or America, where civilization may be described, rightly described, as alcoholic, where the majority of the people drink and drink largely, where perhaps the conditions of climate and so on are such that a small quantity of liquor may be indulged in without detriment to health. But the conditions of this country are entirely different. The climate of this country, the social conditions of this country, the religious principles and beliefs of the people of this country, are all against drink being far from a necessity or even a desirable thing for the people. Above all, and this is a fact which I desire to impress upon my European friends—they must never forget this fact—that our Indian civilization is a non-alcoholic civilization. No doubt I do not deny that in some places many classes like the Bhils have been drinking: I do not deny that a few sections of the people are drinking. I do not deny that, but that does not disprove the fact that essentially our civilization, the Indian civilization—meaning by Indian civilization, the Hindu civilization and the Mahomedan civilization—is non-alcoholic. That being so, the conditions of climate and the conditions of society in general being against liquor being a necessity in this country, and there being also a large and growing demand for the complete abolition of drink and the traffic in liquor, well, the probabilities are that we shall succeed in realising the goal of prohibition although prohibition may have been a failure in America or Finland. In other words, the failure of prohibition in Western countries is no argument; that prohibition will also become a failure in this country.

Then, Sir, we have been supplied, as I said, some days ago with a note, and reference has also been made to that fact, that Government have decided with effect from April 1st to re-open 17 shops which have been closed in recent years, and they have also permitted an immediate increase of 15,000 gallons in the ration figure of the district which was last fixed in the year 1926-27. And in that note we are asked to express our opinion as to whether the amount which would be thus realised by the re-opening of the 17 shops and the increasing of the rationed figure should be allotted to the transferred departments. I strongly object to the method which has been adopted by the Government in this matter. (The Honourable Mr. B. V. Jadhav : Proposed to be adopted.) Government have already decided to re-open the shops. Government have already decided to increase the rationed quantity. Our opinion is not asked for as regards these two important points. Only we are asked just to indicate what our wishes are as to how this additional amount should

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be spent. Government have been good enough to consult the excise committees and the opinion of some of these excise committees has been pompously described by the Excise Commissioner as democratic, as expressing democratic opinion on this subject. Well, I submit that the Council has been very badly treated by the Honourable Minister with regard to this matter. He is a Minister. He is responsible to this Council and is responsible to the people, and his duty clearly was to bring forward a resolution, a Government resolution, to the effect that the Government desire that 17 shops should be re-opened and the quantity of rationed liquors should be increased. Instead of doing that, instead of taking our advice on these two important questions, he has already decided those questions and simply wants to consult us on a very non-essential matter. Well, if we were to consult our sense of self-respect, we will simply refuse to give any indication on that particular point, about which he wants to take our advice, for the reason that he has failed to take us into confidence as to whether at all these new shops should be re-opened and whether the rationed quantity should be increased or not.

As regards the excise committees, well, I want to tell you frankly that these excise committees do not at all enjoy the confidence of the people. They are not democratic. They are not representatives of the local public feeling. We know, as a matter of fact, how the constitution of these committees is manipulated. We have in fact from the very beginning objected to the constitution of these excise committees. We have often urged that these excise committees have not been formed in the manner in which they ought to be formed. And I know, as a matter of fact, that some members of the committee, officials, Government servants, are prevented by Government orders, by official directions, from expressing their opinion, honest opinion, on any question that comes before the excise committee; they are bound by instructions given to them by their superiors to vote along with their superiors, to express their concurrence with the higher officials. That being so, it is absurd to say that these excise committees are democratic and that the views which they express on the questions that come up before the committee have behind them democratic support. It is absurd.

In conclusion, Sir, I want to say this, that the proposed modification, I would even go further and say the proposed abandonment of the policy of prohibition cannot but give rise to intense dissatisfaction among the people. Of course, the Excise Commissioner might be quite safe: his position, his privileges and all that are safeguarded. But I want to sound a note of warning to my honourable friend the Minister. If he agrees to this abandonment of the policy, the consequences will be serious and he will have to take those consequences. This Council and public opinion, they are much more democratic, they are much more plain, they are more really and strongly representative of public opinion, than these tinsel advisers of the committees. And we express the opinion of the people, we express the opinion of our electorates, when we say that this proposed abandonment of the policy of prohibition will be strongly resented by the people, and one of the consequences of that

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will be,—I want to sound a note of warning,—one of the consequences of that will be that some of us and some of those who are not within the Council will have to consider whether other measures will not be necessary in order to bring home to the Government that the people will never agree to the abandonment of prohibition, will never acquiesce in the proposed modification or abandonment of the policy of prohibition. I make a prophecy, and that prophecy is that, if in spite of this expression of public opinion, the policy of prohibition is abandoned or some such attempt is made to modify it out of recognition, there will be a revival of picketing. Leaders of the people, perhaps both within the Council and outside the Council, will have to seriously consider whether this betrayal by the Government must not be met by a policy such as the policy of picketing of liquor shops. I know what the picketing of liquor shops means. I have done it myself. It is a serious matter. The consequences are bound to be serious. But there will be people who will be prepared to take those consequences. The Honourable Minister, as being responsible to the people and the electorates, is bound to consider this aspect of the question and is bound to take into consideration these probable consequences. I shall conclude by making constructive proposals, and my constructive proposals are :

First, fixed prices along with rationing ; that is my first proposal. Rationing must not be abandoned. Well, if the Government are anxious to have an alternative, I am prepared to suggest one, namely, fixed prices along with local option.

Government now want to abandon the rationing and they want no local option. I know that in 1925 I submitted a bill which was in favour of local option in which I provided for a system of local option, but my bill was vetoed. Government do not want to have this local option also, and now they want to give up rationing.....

The Honourable Mr. B. V. JADHAV : Did that bill make any provision for compensating even the partial loss of revenue ?

Mr. R. G. PRADHAN : Certainly. I will not go into details because I shall have to refer to the conversation which I had with His Excellency in the matter, but I may tell my honourable friend that I did contemplate the making good of any loss of revenue that might result from the operation of local option.

My second constructive proposal is, making up the loss of revenue by the adoption of financial measures as recommended by the Prohibition Committee.

My third constructive proposal is, a thorough and independent enquiry into the nature and extent of the alleged illicit distillation.

My fourth constructive proposal is, improvement of the constitution of the Excise Advisory Committees so that they might really be democratic and representative of local public opinion.

My fifth constructive proposal is, State aid to Temperance Bodies to carry on propaganda among Bhils against drink and illicit distillation.

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The Government officers seem to have a very soft corner for the Bhils though a very very hard corner for other people. They feel so much for the Bhils that illicit distillation among Bhils is constantly trotted out *ad nauseum* as an argument against this policy. I do not know whether my honourable friend the Excise Commissioner and the Honourable Minister remember what the Prohibition Committee have said on this particular point. That Committee says :—

“ It must be assumed that the Bhils of Khandesh and certain other classes will for some time to come continually strive to replace licit by illicit supplies, but outside the urban areas many Indians who drink are only able to afford to drink on rare occasions. ”

Granted that the Bhils are addicted to liquor, that it is extremely difficult to wean them from their habits and that illicit distillation is growing among them. I suggest that Government should give State aid to Temperance bodies in order that propaganda might be carried on among them against drink and against illicit distillation.

My sixth constructive proposal is, constant efforts must be made by this Government to impress upon the Central Government the necessity of co-operating with this Government by such means as lie with the Central Government to make this policy as successful as possible. That is also a recommendation made by the Prohibition Committee, but it appears that nothing has yet been done by this Government in that direction.

These are the constructive proposals which I submit before Government and I want to urge upon Government that the proper policy or line of advance is in the direction which I have indicated.

One fact must never be forgotten and it is this, that the present policy has resulted in an increase of temperance, in the reduction of intemperance and in the lessening of the drink evil among the rural population. That is a fact which cannot be denied that the present policy has been so far successful that it has brought about considerable decrease in the evil of drink in the rural population. I challenge the honourable member the Excise Commissioner and I challenge the Honourable the Minister to contradict this statement, that to this extent at any rate the present policy has been successful in the rural areas ; that in rural areas, with the exception of such tracts as are inhabited by Bhils and such other castes ; the evil of drink has been now less than what it was before the adoption of this policy. Are Government prepared to deny this ? No doubt, there has been increase in the consumption of foreign liquor but that increase has mainly taken place not in rural areas but in urban areas, in such cities as Bombay, in such a city as perhaps Ahmedabad or in such a city as Poona, but certainly people in the rural areas, when they do not get country liquor, do not try to get foreign liquor which is also not easily accessible to them. But if this policy is abandoned and the proposals now made by Government, are carried out, the result will be that there will again be an increase of drink among the rural population. You talk of rural uplift. For the last two years we have been hearing speeches made by high officers



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that every effort must be made to uplift the rural population to improve the condition of those who live in the villages and they constitute, as is well known, 70 per cent. of the population. As a matter of fact, the present policy has been one factor and an important factor in improving the condition of the people of rural areas. Are you going to go back? Are you going to modify your policy one inevitable result of which will be that again there will be an increase of drink among the rural population, and this talk about the elevation of the people in rural areas is bound to be a hollow, and an empty talk if that takes place.

With these words, I strongly support the motion for the cut moved by my honourable friend and I hope that this Council will never accept the proposed modification of policy which we have hitherto adopted and which the Council has sanctioned.

Mr. B. G. PAHALAJANI (Western Sind): Sir, after hearing the honourable member the Excise Commissioner's speech in which the future excise policy of Government has been foreshadowed, the policy being maximum revenue from minimum consumption, it is necessary for the House to pause and consider whether it is prepared to abandon its policy enunciated in 1921 and 1924 and to revert to the policy which, before the Reformed Council, had been enunciated by the Government of India. The policy of the Government of India was laid down in the following words:—

“The Government of India have no desire to interfere with the habits of those who use alcohol in moderation. That is regarded as being outside the duty of Government: and their settled policy is to minimise the temptation to those who drink and discourage an excess with those who drink to excess and to the furtherance of this policy all considerations of revenue must be subordinated.”

This, Sir, was the policy of the Government of India before the Reforms and in pursuance of this policy, which is called the policy of temperance and not prohibition, the Government of India levied charges, issued licenses, increased the burden to the consumer, to help the moderate drinker and to make it costly for an immoderate drinker. The result of this policy, which was only in name a temperance policy, was to increase the vend fees, the license fees: every provincial Government soon found that the income went on increasing from lakhs to crores. In the case of the Government it rose from Rs. 93,000 at one time to Rs. 4 crores at another. The result of this policy was an increase in revenue with a nearly steady consumption. When the Reformed Council came into existence in 1921, the first portfolio for Excise was held by the late Leader of this House, Sir Chunilal Mehta (then Mr. Chunilal Mehta), and he being a total abstainer himself, his first thoughts on assuming office, were turned to take direct action towards reducing the consumption of liquor by the rationing system of issuing liquor each year 5 per cent. or 10 per cent. less than during the previous year. He adopted this rationing policy even before the Council held its first session in February 1921. He issued orders to carry out this policy which was enunciated by him, before he announced it in this Council, and in March 1921 he announced in this Council—these are his very words—that “this was a direct advance

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on the policy pursued by the Government with regard to the reduction of drink traffic." On the 3rd of August 1921, that is at the July session, this matter was specifically raised by a resolution, the resolution finally adopted being—again I am quoting the exact words of the resolution—to appoint a committee to consider and report on all the aspects of the question of drink traffic and its *total prohibition*. Sir Chunilal Mehta was himself in favour of small type prohibition. He welcomed the resolution. At that time he found within his own cabinet serious differences. In the annals of this Council, that single resolution stands as a resolution brought up by a Government Member in which liberty of action was given to every Member of the cabinet and to every official member. That was the one resolution on which he allowed the Members of the Government and every servant of the Government to vote as he liked. That was the resolution on which he called upon the non-official side of this House either to support him or not to support him, so that his future policy may be guided accordingly. In response to that call to confirm this policy that was enunciated by Sir Chunilal Mehta, we came to a distinct conclusion; the resolution was passed, the policy of prohibition affirmed. The Excise Committee was appointed to consider and report on all the aspects of the question of drink traffic *and its total prohibition*. That was the genesis of the Excise Committee, and the resolution was carried in the July-August session of this very Council in 1921; I think the present Minister for Excise remembers the words which the then Minister used on the occasion, and I would draw the attention of the honourable member the Commissioner of Excise to those words, because he is after all a servant of the Government which gave expression to those words. He said :

"The time has come when the Government should consider whether it should not take direct action towards achieving this object of prohibition. What I am sure the Council wants me to do as their representative" not the representative of Government "is that effective action is taken towards the reduction of consumption."

In these words, Sir Chunilal Mehta challenged the Government : in these words he asked the vote of this Council on the system of achieving prohibition by furthering temperance. Many honourable members present here were members of that first Reformed Council. The present Minister for Excise and the present Deputy President were members of that Council who advocated that policy. At that time, Sir Henry Lawrence advocated temperance in exactly the same way, with the same words, the same arguments and the same figures as the honourable member the Commissioner of Excise did yesterday. Of course, he did not advocate that an ounce of alcohol was equal to a pound of butter, but certainly he advocated in very strong terms a policy of temperance as against prohibition. Another argument that Sir Chunilal Mehta laid before the House and which appealed to the House very strongly was, taking 10 per cent. as the drinking population, and taking Rs. 2 crores as the total population of the presidency, the total cost of drink to the average consumer was Rs. 40 per head, a revenue of Rs. 4 crores to the Government and Rs. 4 crores to the seller for his expenses

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and for his profit. Now, that calculation still holds good. Rs. 4 crores is still the excise revenue and Rs. 4 crores must be assigned to the sellers for their expenses and profit. We are still confronted with the unassailable position that the drink of this presidency is costing each head at least Rs. 40 per head, which represents more than the annual income, estimated by the late Dadabhai Naoroji. The Council having passed the resolution, Government appointed a committee. The committee sat, it deliberated; it reported. I am not sure whether the present Minister for Excise was a member of the committee.

The Honourable Mr. B. V. JADHAV: I was.

Mr. B. G. PAHALAJANI: I am glad he was, and it came to a unanimous conclusion. I do not find any note of dissent in the report. The report says:

"In the first place, we are of opinion that, in the interests of the community and those of Government, the present policy of Government with regard to the manufacture and sale of liquor shall be altered as quickly as possible. The strong demand that now exists in the country for the alteration of the excise policy of the Government should receive further recognition, and in *due course total extinction must be recognised* and Government should declare that the total extinction of this traffic is the goal of its excise policy."

This is the policy which the present Honourable Minister for Excise, as a member of the Excise Committee, laid down for the benefit of this Council, by submitting a report to the Government.

The Honourable Mr. B. V. JADHAV: I stand by it even today.

Mr. B. G. PAHALAJANI: I am glad he says he has. This report went before the Government. This report then came to be discussed in this very House on the floor of this House, in 1924, by a special resolution that that goal should be reached within 10 years. It was amended by the honourable member Mr. A. N. Surve that the goal should be attained in 20 years. The resolution was:

"This Council recommends that the *total prohibition* of all alcoholic drink and of all traffic therein be declared to be the goal of the excise policy of this Government."

Now, Sir, the resolution was discussed at great length. Government did not oppose it. You, Sir, were then on the Ministerial Bench in charge of the portfolio of Excise, and you, Sir, were responsible for the policy of the Government, and the words in support of it you then used were "The real object of the Government or of the country is really to prevent a drop of liquor going down the throat of that wretch who is addicted to drink"; not, as the Honourable Minister at present says that he is still of the same opinion which he held before, and yet wants more drink to go down the throats of those wretches. It is certainly very interesting and edifying to note that the whole Council, almost with one voice agreed to the policy enunciated by that resolution of attaining the goal within 20 years. If you scan the Division Lists, because the matter went to a division, you will find on the "Noes" side only three names. Those who voted are Mr. Wood, Mr. Bunter and another Muhammadan member—3 only—besides the official side of Government and the Europeans.

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There were only three non-official votes one of whom was a nominated member who went to the side of "Noes". All the Sind Members, Mahomedans and Hindus, all the other Mahomedan non-official members of this House who are against the evil of drink voted in favour of the policy of prohibition. In that voting list you will find one Mahomedan Minister who voted for Government, as he was constitutionally bound to vote for Government. You will find, Sir, in that list the honourable member Mr. Navle and the honourable member the deputy president and all Maratha members voted in favour of the policy of prohibition.

We were told yesterday by the Excise Commissioner that the Government never accepted the policy of prohibition. I wish to know whether he has the consent of the Minister to make that statement. The whole of the action of the Ministers in charge of this department—their action in reducing the number of shops and reducing the amount of rationing—will point to one conclusion that they have accepted the policy of prohibition. The Excise Ministers have given explanation to the Council as to what action has been taken from time to time in carrying out this policy. At this stage, it is moonshine to say that Government have not pursued that policy that has been laid down by this House in 1924. The several arguments advanced by the Excise Commissioner and the suggestions made by him to re-open the shops that have been closed will of course indicate an attempt on the part of the Government to go back on the policy of prohibition laid down by this House. The Excise Commissioner in unequivocal terms stated that the prohibition policy was not accepted by Government and suggested that alcohol was good for the health of the people. That indicates that there is an intention on the part of the Government to go back on the policy laid down by this House. I want to know whether the Excise Commissioner has the consent of the Honourable Minister in saying so. In the press note issued to this House they say that it is impossible to proceed with the policy of prohibition in view of the enormous increase of illicit distillation. When the Honourable Mr. Pradhan was in charge of the portfolio of Excise he stated to the Council that an experiment in the direction of complete prohibition would be carried out in Satara district and in one or two other places. But the experiment was never tried anywhere. The Government officials went on dinning into the ears of Government that the policy of prohibition could not be carried out and even went to the extent of protesting against this policy. These loyal officials of Government, of the Minister I should say, even protested against the policy of prohibition. The policy has been accepted by the three preceding Ministers and the present Honourable Minister was himself a member of the Excise Committee. The Honourable Minister as a member of that committee brushed aside all objections put forward against the policy of prohibition and gave his opinion in favour of prohibition. He belongs to an important community which as he said requires protection from intemperance. I know that he himself is a teetotaler. Such a Minister will not be justified in going back upon the policy that has been laid down by this House. If we agree that the policy should be

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adhered to, all objection on account of decrease of revenue should disappear. The financial objection should be subordinated to this prime question of prohibition policy. This decrease in the Excise revenue will be more than compensated for by the improvement in the moral and physical condition of the people. Like primary education this will contribute to the elevation of the masses. Whatever be the decrease in income, whatever be the sacrifice, the Honourable Minister should rise above all these considerations and should not allow this proposed step which is intended to subvert the policy which has been laid down by the Government and this House. Now, Sir, the Excise Commissioner, who took upon himself to preach the use of alcohol as a means to attain longevity, cannot but be sure that reversion to the old pre-reform policy of control means *absence of direct action by Government* laid down by Sir Chunilal. The difference in the previous and present policies was that such an action by Government to check consumption was substituted for the indirect preventive method. What this Council wants is recourse to direct action by Government to control and reduce consumption. The key-note of the note of the Honourable Minister is (I am quoting the words of the note) :

"So long as there is a genuine demand for charas it is one that should be met to a reasonable extent and by lawful means."

This is the latest doctrine of prevention if you provide facilities for licit drink, you will promote the cause of temperance. No sensible person will accept the logic of such position.

Then, Sir, the honourable member the Commissioner of Excise attributes the decline in consumption from 26 lakhs of gallons to 13 lakhs of gallons to illicit distillation and also to the high prices charged by the sellers. But how does he come to this conclusion? *He merely assumes that there is considerable illicit distillation*, the very matter that requires to be proved. Does he furnish any figure, any materials for that assumption? There is none in the report for 1927-28, none in the previous report, and none in the note presented by the Honourable Minister to this Council. Yesterday, when the honourable member the Excise Commissioner was speaking, I questioned him whether he had any figures to give. He only relied on the reports, unaided and unsupported by any figures, of the Collectors and the excise officers. He refused to give us any figures showing—and that is the most important matter—what is the quantity of illicit liquor that is manufactured. The only indication that he gave was the increase in the number of cases of illicit distillation from 2,110 to 5,155. It is true that the number of cases has increased, but what is the quantity involved therein? Has the honourable member the Excise Commissioner given us the quantity involved in those offences? Has he given the quantity of illicit liquor distilled or imported in excess of that in 1923-24? We have got cases in Sind and elsewhere where people were prosecuted and convicted for distilling or importing from Ahmedabad into Sukkur a bottle in a pint of liquor—that is an offence under the Abkari Act—we have also got cases where the taking of a bottle

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For from Punjab into Sind is also an offence. Therefore, until of the exact quantity of illicit liquor manufactured and imported, no indication whatever that the rationing system has proved a failure that illicit consumption has increased. My challenge was not made yesterday, and perhaps may not be answered at all. Without the sanction of this House cannot accept the statements of the Collectors or reports of the officers who certainly are unwilling to carry out the policy of the Minister, till then this House will not be satisfied that illicit consumption is increasing. Mere verbal reports amount to nothing as a proof of a disputed fact or issue.

If the Honourable Minister is of the same opinion as the honourable member the Excise Commissioner, he is at liberty to take that view. But I may assure him that unless he is willing, as Sir Chunilal Mehta was, to represent this side of the House and unless he is prepared to release his own party from party obligations and give absolute liberty to the members of the non-Brahmin party to vote as they like as unbiassed members of the Council, the result of the division on this motion will not represent the true state of the feeling in this country. Those members including the Honourable Minister who represents Satara which district is considered the fittest for trying an experiment of prohibition, if they go back to their constituency, will find it difficult to get back to this Council except on the platform of total abstinence at the next elections. I ask the Honourable Minister to leave it to the members of his party to vote as they like. This is not a vote of censure but this is only a vote to take the Council's opinion on a policy, and the representatives of the people should be given freedom to record an absolutely unbiassed vote.

(At this stage Mr. K. F. Nariman stood up to speak.)

The Honourable the PRESIDENT : Before I call upon Mr. Nariman to speak, I must know from the honourable mover of the cut what time he will take.

Mr. V. N. JOG : I will not take more than 10 minutes. I will allow the honourable member Mr. Nariman to speak.

The Honourable the PRESIDENT : That leaves 20 minutes for Mr. Nariman.

Mr. S. C. JOSHI : I want also some minutes.

Mr. K. F. NARIMAN (Bombay City, South) : Mr. President, it is another strange coincidence in the course of this debate, when we have assembled to discuss the policy of prohibition, that just at this time the city is to be visited by the greatest prohibition propagandist of the world, I mean Mr. Pussyfoot Johnson. Mr. Pussyfoot Johnson is coming in the course of today or tomorrow; it is a pity that that gentleman could not come a day or two earlier into the city particularly to hear the "learned" and "lucid" speech of the honourable member the Excise Commissioner, as it is quite possible that that great propagandist might have been converted to his views and he might have abandoned his saintly mission in which he goes round the world and pleaded with

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the honourable member on the other side to open more shops and more bars. Anyhow, it is lucky that he has not come to hear that speech.

Now, Sir, I have heard for the last two days honourable members on this side expressing disappointment on what some of them considered to be a setback on the part of the Government. They said they were surprised at the Government going back on their pledges and promises, they were surprised at the sudden turn of front taken by the opposite benches. I, for my part, frankly confess that I am not surprised though I am very greatly pained. If you have been attending this House, subject year after year, all the time that I have been in the House, I have you will find that wherever this subject has come in the House, I have always declared that I never believed in the declarations of Government that prohibition was their primary policy and revenue was only secondary. I have repeatedly declared that all this tall talk of prohibition on the part of Government was bunkum and moonshine. It was all because the opposite benches were united on behalf of prohibition, because the public not only of this presidency but of the whole country, all people, were united in clamouring for prohibition not only as an economic demand, not only as a social demand, but as a demand based on the sacred religion and tenets of Islam as well as the Hindu religion. It is, therefore, that they dared not oppose that united demand. Some declaration was necessary to pacify that demand; they never intended sincerely to give effect to that. To-day, Sir, if anybody had any doubt about the insincerity of Government in this policy of prohibition, that doubt surely must have been removed by what I have declared as the amazing, the astounding speech of the honourable member the Commissioner of Excise. His speech, Sir, must be differentiated from other speeches on the subject, which are explicable, which are understandable, namely, the administrative difficulties. The Honourable Minister as well as some other speakers have shown the question of revenue and other difficulties in the way. But the Excise Commissioner has gone much further. He justified the policy on moral, material, social and public welfare grounds. That is the astounding part of his speech. He does not only rest content with pointing out the administrative difficulties and the difficulties of revenue, but he stands before us to declare to this House, to the country and to the world the virtuous qualities of liquor, all the benefits which the public will derive if they imbibe that liquor, and he concludes that an ounce of whisky is equal to a pound of butter. Well, Sir, we ought to be thankful that he did not make any further constructive suggestion to close all butter shops and to open English Beer or liquor shops instead to provide liquor to the public. We will have to change all the life in this country, beginning with our *chota hazri*. It will be tea, bread and whisky instead of butter. We will begin with whisky, we will dream in whisky, we will bathe in whisky, and we will, I should say, die for whisky. That is the speech which requires to be very carefully noted. We have, I submit, Sir, without offending this part of the House, been fooled long enough. Do we believe that an officer with such views,—views which he had the courage to place before

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with such frankness, with almost brutal frankness, do we this at the officer whose duty it is to carry out the policy of prohibition he has such views on the matter, that that officer should be able to put into effect that policy? It reminds me, Sir, of a thing occurred some years ago. Some people started a society for the protection of cows and selected one of the fattest butchers in the city to carry over that association. For the protection of the cow, a butcher proposed to carry out that policy! I say, Sir, that it is as absurd to suppose that this honourable Commissioner of Excise, with the views he has expressed on the subject, an officer who, by inclination, by nature, by temperament, by tradition, is an anti-prohibitionist, can carry out a policy of prohibition, even if he is compelled or called upon to do so. I have said before, and I appeal to the House again to realise, that we cannot expect from the present administrators this reform, particularly a reform which touches the revenue which they have enjoyed so far and a reform which is against their nature, their inclinations and natural traditions. ....

Mr. J. P. BRANDER: Sir, on a point of explanation. I made it clear to the House that those were not my own personal views, that alcohol is a food and so on. I merely mentioned that that is the opinion of a considerable number of scientists now in America and Europe, and that, therefore, the whole question of the value of alcohol as a food was an entirely open question again. That is all.

Mr. N. A. BECHAR: You quoted them with approval.

Mr. K. F. NARIMAN: Well, Sir, as the honourable member has just stated, if he did not approve of those views, if he did not propose to convert some part of the House to those views, what was the necessity of his quoting them? Does he not know that there are far more authorities in this country and elsewhere which give a contrary opinion on the subject? Could he not find a single quotation from them to give expert opinion expressing other views? He found what is approved by himself and quoted it himself. I repeat again, Sir, that it is absurd to believe, or to suppose or even to argue that a Commissioner of Excise with such views could ever be expected or supposed to carry out a policy of prohibition.

With regard to the views he has expressed, I say I do not know what was his authority, but he would find it more profitable if he were to find out the other side of the vice of liquor, I mean the darker side of liquor. This is what is stated in this book:

"*Prohibition Inside Out*" by Roy A. Haynes, *Prohibition Commissioner*.

"Pathologists, psychologists, scientific men of the world are agreed that alcohol is an active narcotic poison which attacks the human brain in about the inverse order of its development. The higher mental attainments are the first to be impaired by the introduction into the human system of this poison. The first effect of alcohol is to dull or destroy the moral sense. No one with the slightest familiarity with the effect of liquor drinking will be inclined to question that. The mental powers are next to be attacked."



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I do not know if the honourable member the Commissioner of Excise had an exhibition of that attack yesterday when he spoke.

"then, as a third stage of intoxication the nerves and muscles become affected and we have visible drunkenness. Continuous poisoning affects the lungs, and if intoxication proceeds still further, the heart is paralyzed and death ensues."

Well, Sir, there are numerous opinions on this subject which could not be controverted, could not be challenged. The honourable member the Commissioner of Excise could choose only one opinion somewhere. I do not know, Sir, whether he could not find any other to express his views. Therefore, Sir, I am perfectly justified in maintaining that when he was quoting it, he did so with approval, because himself believed in that opinion, and because he wanted the House to be converted to that opinion, he quoted that authority.

Another point which I wish to urge is that the honourable member, the same officer, has stated that the prohibition policy has never succeeded anywhere and is not likely to succeed in this country. Again I repeat, and repeat with authentic figures, that his statement is misleading and false. The policy of prohibition has succeeded, and succeeded wonderfully well, in America, which he mentioned, and I will quote facts and figures to controvert his statement, which I again say was misleading and made in order to convert this House to his views. In America the vital statistics of the United States show that the death rate from alcoholism for the whole of the States showed that the death rate had dropped from the high mark of 8 per cent. to 1 per cent. after the introduction of the policy of prohibition. While New York city's population had increased by over 10 per cent. the death rate in 1921 had decreased by 23 per cent. and a fraction since 1915. The death rate of children also had fallen off.

The figures for one province of California are :—

The rate for San Francisco average for the cities for the last three wet years, as compared with the average for the last dry years, 83.47 per cent.

The Popular Penitentiary	Decrease of 20 per cent.
Deaths from Alcohol	.. Do. 74 "
Alcoholic insanity	.. Do. 47 "
Deaths from other causes for the City of	
San Francisco	.. Do. 35 "
Savings and Bank deposits	.. Increase of 48 per cent.
Actual number of accounts	.. Do. 37 "

This is the state of affairs that has been established, proved by statistics in 70 per cent. of the population of that country and nearly 80 per cent. of its territorial area. Still to state that the prohibition policy has not succeeded in that country is a libel on that good population and a libel on that country. But, within the short time at my disposal I cannot do full justice to this subject. Several honourable members desired to find out what is the cause which we see particularly in this session for this sudden change in the policy of Government. Whether they intended it or not, whether they were sincere or insincere, at least to satisfy and pacify, the House as well as the population outside, they were content with

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declaring prohibition policy and adhering to that declaration of prohibition policy which they made repeatedly. I myself never believed in the sincerity of this declaration. We have been trying to find out why there has been on this occasion an open defiance, an open going behind that declaration and why, with prohibition on their lips, Government have been taking actions and measures which go directly contrary to all prohibition propaganda. I will declare the reason for this sudden change of front. So far it was mere declaration of policy, it was merely propaganda on the non-official side. Since the last year, so far as this question is concerned and the non-official side, the popular side, is concerned, the position is changed. The people are no longer content with merely declaring policies of prohibition, merely making propaganda for prohibition, but in some parts of the Presidency, the prohibitionists have started in right earnest, the effect of which is seen in the Government treasury and now Government feel alarmed that it is not to be a talk of prohibition, that the people are putting into effect their talk of prohibition and that prohibition is coming in this presidency. Therefore, they take counter-propaganda, counter-measures, to put a stop to this prohibition propaganda started by the people. Therefore, this open defiance, this open breach of pledge and open declaration of what I consider to be an anti-prohibition propaganda. Look at the figures of the Surat district which were mentioned by the honourable member, the Excise Commissioner. In the Surat district, under the distinguished leadership of a distinguished leader, Sardar Vallabhbhai Patel, it is not merely a declaration of policy, it is not merely propaganda by public meetings and persuasion. They have come to a stage where the Surat district, if only the Government officials will allow it, can go dry if it has not already gone dry to a considerable extent by this propaganda and actual work such as picketing and other peaceful and legitimate methods adopted by the brave workers under the guidance of Sardar Vallabhbhai Patel. That has caused an alarm in the official benches. Supposing the Surat district succeeds, as Bardoli taluka succeeded, supposing this propaganda spreads beyond the Surat district into other parts of the presidency, prohibition is not going to stop here merely with declaration of policy but prohibition is going to be a fact, a fact which must be noted, which must be countered and therefore they must start some propaganda against it. That is the attitude of Government. When one part of the people are sincerely working for prohibition, the officials are equally enthusiastically with vehemence and zeal, working against it. What do we find in the districts and in the villages? On the one hand these prohibition propagandists start their propaganda successfully, people refuse to go to bid at public auctions and in the villages people refuse to go to the liquor and grog shops, what do we find the Collector doing? The Collector is doing counter-propaganda openly over his signature by distributing thousands of handbills bearing his name in all vernaculars declaring to the people "you are entitled to enjoy the rights of British citizenship; you are a British subject, there is the British Crown and all its mighty power behind you; if anybody tries to interfere with the rights of British

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citizenship and the British Crown and the British Government will interfere and protect these rights." What are these rights of British citizenship? You have the right to go to any liquor shop, near or even the farthest corner, to take as much liquor as you like, nobody dare to prevent you by any means legal or illegal, legitimate or illegitimate, violent or peaceful. That is the right of British citizenship which the Collectors are prepared to protect by an open declaration in handbills issued over their signatures. The other rights are: Are you inclined to smoke ganja? Certainly, it is another right of British citizenship. We shall protect your rights by all the means and by all the might in our power. Do you want to gamble on the race-course? Do you want to lose all your honestly earned money there and turn criminals afterwards? We will protect you. We will afford all facilities if you go to the race-course and gamble away all your honestly earned money and then of course if you commit crime, our magistrates will punish you. These are the declaration of rights of British Indian subjects. These are the Magna Charta of the British Indian subjects. These are the only rights of British Citizenships which the British Government in India is prepared to protect by all means in their power. Therefore, I say that several constructive proposals have been made from this side of the House which I will supplement by my own constructive proposal to the Honourable the Minister in charge of this department. I will ask him to consider this proposal independently as a Minister, because I know the fate of the proposal if he consults those gentlemen who are not inclined to accept it. Do you really want to try an experiment in prohibition? In the Satara district you proposed to do it but you never ventured. Unless you venture, you will not succeed. If you really want to try an experiment for experimental purposes, both sides are prepared to take consequences. If the popular side fails in the experiment, it will take the consequences. If on the contrary the popular side succeeds, you take the consequences. The only appeal I make is not for any monetary assistance or for any assistance from you or your officers. The only appeal we make is, in the name of humanity, for God's sake, leave these angelic workers alone, do not obstruct them, do not oppose them, do not put obstacles in their way, do not conspire with liquor vendors in order to defeat the good object of the good workers who have been carrying on the prohibition propaganda. Leave them alone for 12 months honestly and sincerely. Do not interfere, do not abuse your powers, do not abuse your position, do not abuse your laws, do not prosecute and persecute them. Leave them alone. I will mention one particular instance to this House. Last year, Sir, we sent three or four respectable Parsi ladies who were members of the Youth League to help Sardar Vallabhbhai Patel in his propaganda work to persuade the Parsi liquor shop-keepers not to bid at the auctions in the Surat district. They succeeded, they turned down many Parsi liquor shop-keepers. I know there are some to-day in this city of Bombay who have given up this nefarious trade and who have been seeking a more honest employment in this city. What was the fate of

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those respectable lady volunteers ? When the officers found that as a result of persuasion of these lady volunteers people were not bidding, they arrested these ladies, confined them in custody, locked them up (cries of shame), although they had committed no crime and although they (the officers) had no evidence that the lady volunteers had committed any crime except that of merely persuading people not to bid, not to go in for drink. For this they were put under lock and key in order to see whether, if they were removed from the way, the bidders would come forward and offer their bids and thus enable the officers to succeed in their auctions. Even then, as the result of the consternation of the putting into custody of respectable Parsi ladies, no bidders came forward and the auctions had to be postponed. There are examples on record in the Surat district of these wonderful workers, and the work they have been doing. My appeal to the Honourable the Minister is that, that is the most deplorable part of the whole episode, that though the Cabinet consists of five enlightened Indians who, we know, are by religion, by tradition, by sentiment and by habit, are prohibitionists, their position is absolutely helpless, so helpless that they have got to work against their own inclination and against their better sense. I ask the Honourable the Minister in all earnestness to give a fair trial to these earnest workers only in one district for 12 months. Let Government instruct their officers not to interfere illegally, cruelly, in order to defeat their object and see whether this prohibition policy worked not by the Government but by the people succeeds or fails. I assure the honourable. . . . .

The Honourable Mr. B. V. JADHAV : Why should not the honourable member himself teach the liquor shop-keepers not to keep liquor shops ?

Mr. K. F. NARIMAN : That is just my appeal. I agree with one remark made by the honourable member the Excise Commissioner that prohibition must come from within. That is what the Congress workers are trying to do, and that is what the Government servants are obstructing them from doing. My appeal to the Honourable the Minister is that he should issue instructions that these officers of the Crown may suspend their zeal for revenue for the Crown. Let the Congress workers have a fair trial and not be obstructed in their work of persuasion when it is being done by peaceful picketing, by social boycott or other means, legitimate, sacred, divine means in their power, when they try to introduce prohibition. It is the officers of the Crown that obstruct these workers and will not let them succeed. I will point out an instance which has appeared in the papers to-day. There it is admitted that when Sardar Vallabhbhai Patel, with his band of workers, went to Surat to persuade the bidders not to bid, warning them of the consequences of their bidding, warning them that they would sustain a loss, as he was going to enter on a vigorous campaign of picketing in the district, the Collector issues another scrip to the bidders saying " You have a right to go into it ; do not listen to anybody. Nobody has a right to prevent you from bidding, and I declare it is one of the rights

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of British citizenship that you should be able to sell and people should be able to drink liquor" and holding out threats of penalty to those who interfered. I do not mind the handbills, but let them not defeat this angelic work. Here is a solid, constructive proposal. Give them a fair trial, give them a fair chance, and see at the end of the year whether they succeed or whether they fail. If you are not prepared for that, then I might say "For God's sake talk no more of prohibition. At least, be honest: do not play the hypocrites with the people. Tell them 'By tradition, by religion and in every other way we are anti-prohibitionists; we would give additional incentives to drinking; we cannot afford to give up the revenue.' Do not fool the people any more. At any rate, openly say that you are not for prohibition, that you cannot work it, that there are administrative and other difficulties in the way." Then there would be an end of the matter. We will wait for this reform as we are waiting for several other reforms till we get our freedom. Then and then alone this reform will come along with several other reforms. That is my appeal. But the duty of this side of the House is clear. This is one demand on which the nation stands united. It is not a social demand. It is a religious mandate, which neither a true Moslem nor a true Hindu would dare to ignore. Is there a single Moslem in this House who will say that under the Islamic law they are entitled to oppose prohibition? If we go against prohibition, will we not be going against true Islamic religion? Why should we look to Europeans to teach us our duty? This is the one country which was religiously dry which they have gradually made wet. What are the consequences? Dr. Sunderland, a nationalist leader from America came to India, studied the conditions in this country, and has declared on this question as follows:

"The drink evil is widespread in the land and serious. India is not primarily responsible for it. It was brought to her, virtually forced upon her, by Christian nations of the West. India deploras the evil, feels deeply and terribly the nature of it, struggles constantly against it, and would prohibit the manufacture and sale of intoxicating liquors of all kinds tomorrow if she could; but she cannot, because she has not the power to do so. She is a subject land, and the foreign power that rules her wants revenue, and therefore refuses to listen to her protests, petitions and prayers. When the British came to India, India was a singularly sober nation. This had been its character for thousands of years. The reasons are easy to discover. India is a land of great religions, and it is significant that all of them teach strict temperance, and at least two of the most important, Hindu and Islam enjoin total abstinence. The Arabian Prophet strongly condemned all intoxicants.

(Honourable Members: Hear, hear). Well, Sir, when my honourable friends from that side cry 'hear, hear,' I expect the logical sequence of this applause and this approval is to walk into the proper place when the time for getting into the division lobby comes. All that we can do is to express disapproval. That is not going to introduce the policy of prohibition, but let the world know that the responsibility for this crime against humanity, this sin against religion lies on the heads of the opposite benches, and that we are not responsible for it. We ought to declare that to the world emphatically by recording our vote in favour of the motion. With these few words, I do hope that this appeal will not go unheeded.

The Honourable the PRESIDENT : There are only 5 minutes. The honourable member Mr. Joshi is anxious to express his views. I must leave half an hour to the Honourable Minister. This is not a motion to discuss the various details. It is only an expression of certain views, or approval or disapproval of the policy of Government. There are 5 minutes to be divided between the two honourable members.

Mr. V. N. JOG : I withdraw in favour of the honourable member Mr. Noor Mahomed.

The Honourable the PRESIDENT : There is the honourable member Mr. Joshi. I call upon him to address the House.

Mr. S. C. JOSHI : Sir, I thank you very much for the opportunity that you have given me. After the very able speeches, I have very little to add except to say that I rise to support the motion moved by my honourable friend from Dharwar. I do so because I feel that this question of temperance and the policy of prohibition are subjects with which the labouring classes and the working classes, who form the bulk of the population are intimately concerned. On the solution of these questions depends the material, social and economic prosperity of India in general and of these people in particular. Sir, if we study carefully the several pamphlets that have been distributed to us and also the speech of the honourable member the Commissioner for Excise, we find what the policy of Government is. That policy is a policy of prohibition with a vengeance, because we find that it has been decided to open about 17 more shops in one district of West Khandesh. Yet if we look to the statistics of the shops that were in existence prior to this, we find that in the year, 1901-02 there were 2,463 shops ; in 1921-22 the number was reduced to 1,726 ; that is 737 shops were closed in the course of 20 years, that is to say on an average, 37 shops per year were closed till 1921-22. But after that, on the introduction of the rationing system, we find the number of shops closed per year is only 10. Is it not then much surprising to find that in one district alone Government should decide to open 17 new shops ? We find also from the statistics of illicit distillation that illicit distillation is not going on in the way in which it is sought to be indicated or stated to this House.

I have gone through the figures as they are stated in the annual reports and I find that the percentage of increase in West Khandesh is not even 11 per cent. per year, whereas the total percentage increase in other districts is far in excess. As a matter of fact in this place the decrease is not so much as it has been indicated to be. In the Bombay city also I find that during the last year the number of cases regarding illicit importation has decreased. As the time given to me is up I do not want to exceed it by quoting the figures from the Annual Reports ; I have only to say that no case has been made out for abolishing the policy which has been laid down and I support the motion.

The Honourable the PRESIDENT : The mover to reply.

Mr. V. N. JOG : I do not want to reply. The honourable member Mr. Noor Mahomed may be given the chance.

[Mr. B. V. Jadhav]

dry as anything. But each and every portion of the Bombay presidency is not equally advanced ; there are places and places ; every community is not as averse to drink as any other community ; there are certain communities which condemn drink totally and whose members in general do not even touch drink. But there are other communities in which that sense is not so very highly developed, and we have for instance, the glaring instance, of the Bhils who are addicted to drink. In the district of West Khandesh, the conditions are really bad, and the honourable member Mr. Knight, who was Collector there, has graphically described to us how smuggling and illicit distillation is going on and on what a large scale.....

Mr. B. G. PAHALAJANI : No figures have been given.

The Honourable Mr. B. V. JADHAV : Sir, it is difficult to get figures of the actual quantity in hundreds or thousands of gallons, because it is impossible. The illicit distiller does not give us the exact measure of the liquor manufactured by him, and he does not keep records. The Collector, Mr. Knight, has told us, and also other Collectors who were there have told us, that the number of cases detected and brought to the court are barely one per cent. of the cases that take place.....

Mr. B. G. PAHALAJANI : What is the proof ? Are we to take it for granted ?

The Honourable Mr. B. V. JADHAV : I think the district officers ought to know.

An Honourable MEMBER : Why ?

The Honourable Mr. B. V. JADHAV : I had a talk the other day with Mr. Madan, who is the Collector of that district now, and he gave me the same story, and I have sufficient acquaintance with Mr. Madan and I put faith in his words.

Mr. V. N. JOG : Why are not the other cases brought to the court when they know them ?

Mr. B. G. PAHALAJANI : All hearsay.

The Honourable Mr. B. V. JADHAV : It may be hearsay, or it may be a different thing. (Interruption.)

The Honourable the PRESIDENT : Order, order.

The Honourable Mr. B. V. JADHAV : What I have to place before this House is that in the district of West Khandesh illicit distillation is going on on a very large scale, and that distillation should be checked—I cannot say “ stopped ” because I do not think it is possible ; Illicit distillation can never be stopped completely—but it should be checked as much as possible and steps have to be taken to achieve that end.

Mr. B. G. PAHALAJANI : Not by increasing the shops.

The Honourable Mr. B. V. JADHAV : I am coming to that.

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The honourable member from Kaira has supported me in one thing that the aim of real prohibition is to stop both licit and illicit drink and that if illicit drink increases on a large scale no amount of diminution in licit drink will advance us on the path of prohibition. I cannot accept the view of the honourable members who stated here that illicit distillation is not on the increase and that cases are multiplied by the Excise Department in order to keep their places. Do they think that as soon as prohibition is brought into operation, there will be no work for the Excise staff and they will be sent away ? From the experience of America and of this presidency it appears that a larger staff will have to be entertained.

Rao Sahab D. P. DESAI : You may keep the staff ; I do not mind that ; but what I say is you should entrust the work to the Revenue and the Police Departments.

The Honourable Mr. B. V. JADHAV : I am really obliged to the honourable member from Kaira for reminding me of this point, because I had no mind to speak on this particular point. As he has reminded me of it, I shall take this opportunity to say a few words on it. The honourable member thinks that the revenue officers and their staff have not much to do and therefore any amount of additional work can be thrown upon them. I know from experience, as I have worked in the Revenue Department, that the revenue officer is the hardest worked officer and that he has not got any leisure. If any additional work is thrown on him, he has to accept it on paper, but he will only discharge it on paper and that work will not be done properly. Many of the forest areas have been disafforested and handed over to the revenue authorities for management, and we know from experience what a woeful mismanagement it is. It is not the fault of the revenue authorities, because the revenue officers cannot spare men to look after such extra work. Particular men responsible for particular things ought to be employed. If you are going to practise economy for economy's sake, then our work will be very unsatisfactorily done and we will have to put up with the inefficiency of the department and consequent heavy losses. The excise officer will thrive better under complete prohibition than under the present system of partial prohibition.

Education ought to spread and that is the real cure for intemperance ; as long as education is not widespread, Government's efforts in the path of prohibition are not likely to succeed as much as they ought to. But the great difficulty about this is finance, and unless the Council is prepared to vote new taxes there is no prospect of obtaining funds....

Mr. B. T. DESAI : Retrenchment.

The Honourable Mr. B. V. JADHAV : It is not my subject ; it is not in my line. But the House well knows that real retrenchment is not possible. This House had appointed a Retrenchment Committee, and Government had appointed retrenchment officers. But the only retrenchment that has been possible is the reduction of a few clerks here and a few peons there, but that is no real retrenchment at all.



[Mr. B. V. Jadhav]

As a life-long teetotaler, I need not say that I do not love drink or the drink trade. Government would cheerfully sacrifice the abkari revenue if that is in the interest of real temperance, but I should be excused for saying that nobody would tolerate loss of revenue if it is not accompanied by a proportionate gain in temperance. The increase in smuggling and illicit distillation is providing cheaper, stronger and more copious drink to the people, and this is a real danger. The rationing policy was started in 1921-22 and it was continued for a number of years. The policy at that time, enunciated by the Honourable Mr. Chunilal Mehta, was of obtaining maximum revenue with minimum consumption, and the auction system that was followed in those days secured that revenue no doubt, and the quantity available was decreasing by 5 per cent. This went on for about four years and there was no apparent diminution in revenue. But after four years the policy began to tell, and we know from the figures that are in the hands of the honourable House that a loss of about Rs. 60 lakhs in revenue this Government have to suffer. I am not sorry for that, Sir, and I shall be glad if that loss has led to real temperance or taken us nearer to our goal of prohibition. I do not mean to say that our efforts have been fruitless all along the line. The policy up to this time followed has been successful to a limited extent. The conditions are very bad in a very few districts, and this district of West Khandesh is one of them.....

Mr. B. G. PAHALAJANI : West Khandesh is not Bombay presidency?

The Honourable Mr. B. V. JADHAV : That is real news to me. I was under the impression that it was a part of the Bombay presidency.....

Mr. B. G. PAHALAJANI : The whole of West Khandesh is not in Bombay presidency, but a part of it.

The Honourable Mr. B. V. JADHAV : Of course, the part is not the whole. I did not say the policy has failed in all parts of the presidency ; I said it has failed in a few places. And if we want to have real prohibition, every honourable member of this House will agree, that we cannot reach it by the process of rationing. It will be much better if we take prohibition as the Americans have taken it, that is, by stopping liquor completely in parts of the Presidency.

Mr. B. G. PAHALAJANI : Do it in one district. We give you the money for it. Ask for the money.

Mr. A. D. SHETH : Choose Satara and try it there. Start with it.

The Honourable the PRESIDENT : The Honourable Minister has only five minutes more left.

The Honourable Mr. B. V. JADHAV : I stated at the beginning, Sir, that I would like to have more than half an hour.

The Honourable the PRESIDENT : Yes, but that was not possible.

The Honourable Mr. B. V. JADHAV : I am very sorry, Sir. I shall have to curtail my remarks. I am very sorry that the time at my disposal is so very short. I must be brief. It has been my policy to

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take the House into confidence, and it will be admitted that I have laid all the cards on the table. I do not want to take any move behind the back of the House. Objection has been taken, Sir, that Government have decided to open new shops. But this is not a fact. Unless Government take a decision, they cannot place the thing before this House.....

Mr. A. D. SHETH : Would they close them now ?

The Honourable Mr. B. V. JADHAV : They are not opened ; they will be opened on the 1st of April.

An Honourable MEMBER : Then, don't.

The Honourable Mr. B. V. JADHAV : I think, Sir, a good deal of misunderstanding has been created in this House—I am very sorry for it—and I think the House judges me unjustly. It has been my policy to take the House into confidence and to lay my difficulties before them (Hear, hear). They ought to bear in mind.....

Mr. R. G. PRADHAN : Then, why did the Honourable Minister order the re-opening ?

Mr. A. D. SHETH : The Honourable Minister ought not to have passed orders like that, then.

The Honourable Mr. B. V. JADHAV : If the matter had been placed before the House without the order being passed and if it was stated that it was under consideration, you would have said " You have not yet decided whether it is desirable or not ". But, Sir, as the shops are not yet opened, I do not think any harm has been done.

Then, Sir, as in warfare when one finds that the defences are not strong enough and that inroads by enemies are made, then the number of outposts has to be increased. And as illicit distillation is on the increase in the district of West Khandesh, more shops are necessary to combat this evil.....

Mr. B. G. PAHALAJANI : There is the police.

The Honourable Mr. B. V. JADHAV : My honourable friend talks of police. But the police cannot be in the jungles. The Bhil cannot do without drink, and if he does not get licit drink, he will get illicit drink and will then get worse stuff. I am very sorry to say, Sir, that my honourable friend Mr. Pahalajani from Sukkur is not much acquainted with Bhils.....

Mr. B. G. PAHALAJANI : He does not know West Khandesh and he does not know Dohad in Panch Mahals, where Mr. Amritlal Thakkar is working amongst the Bhils !

The Honourable Mr. B. V. JADHAV : It is a pity, Sir, that we have not got a million Amritlal Thakkars ; we have got only one.

Mr. B. G. PAHALAJANI : The Honourable Minister will find many.

The Honourable Mr. B. V. JADHAV : Then, Sir, I have to place before this House that such a vote on a money cut does not prove anything. There are three or four schemes laid before this House and some of them have not even been touched upon. For instance, I have

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placed before this House that Government is manufacturing country-made foreign liquor and trying to expand its sale. We have to fight the foreign liquor. Foreign liquor is making strong inroads. The sale of foreign liquor has increased and some of the honourable members here have even suggested that Government ought to fight this foreign invasion by country-made foreign liquor. One of the honourable members here, Sir, has recommended that the Government of Bombay should consider the question of brewing beer. One member has suggested that Government should have their opium farms and cultivate poppy. (Rao Sahab D. P. Desai : No, no). I welcome these suggestions, Sir, because they have got the real interest of the country and the people at heart. They are against foreign liquor no doubt, and they are against liquor generally. But if we are to exclude foreign liquor, we have to exclude it in these days by fair competition.....

Mr. N. A. BECHAR : Raise the licensing fees of the foreign liquor shops.

The Honourable Mr. B. V. JADHAV : We cannot do that, because in the trade of foreign liquor the Government of India is interested. Therefore.....(Interruption)....

The Honourable the PRESIDENT : Order, order. This kind of arguing is not permissible. Will the Honourable Minister proceed ?

The Honourable Mr. B. V. JADHAV : As for Charas, Sir, I need not say much. Smuggling is going on on a large scale, and the honourable member from Sukkur will tell you that in Sind Charas is allowed to be sold. If this House does not like the re-introduction of Charas in this presidency, I need not press that point. I do not know the evil effects of Charas because I have not studied that question. I have not taken to Charas or any drink. I am a novice in that respect and I would rather submit to the better informed judgment of others.

I think a general debate on a cut is a most inconvenient way of ascertaining the opinion of this House. I think there are three or four issues raised in this debate and one vote on these four issues will not be conclusive or satisfactory. Each and every issue ought to be debated and put to the vote. As I am just reminded by my honourable friend, when Sir Chunilal had that debate on the excise policy in which the whole House participated and gave an unmistakable vote, it was in the July-August session ; not in the budget session. I suggest that the proper time will be at the July-August session, not the present session. A note giving all aspects of the subject has been placed in the hands of the honourable members.....

Mr. R. G. PRADHAN : Withdraw the note.

Mr. H. B. SHIVDASANI : What is the Government policy about prohibition ?

The Honourable Mr. B. V. JADHAV : If I am in office next year before the next budget session, I shall lay down my policy. The time at my disposal this year was very short and I cannot formulate my

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policy at this stage. I am convinced that the policy of prohibition, to be carried to its natural and logical conclusion, would require to be taken bit by bit, district by district, and the present policy of rationing will not do. Rationing has served its purpose. We are not going to increase the rations. It will stand at the present figure. The territory conquered is kept in possession and will not be given up, but I think any further progress should be in the direction of introducing prohibition, district by district, and not by rationing.

Question put and carried.

Motion that the demand for Rs. 47,35,000 *minus* Rs. 100 be granted under 6, Excise, Transferred, put and carried.

The Honourable Mr. J. L. RIEU : Sir, I move for a grant of Rs. 5,76,000 under 7-Stamps, Reserved.

Question put and carried.

The Honourable Mr. B. V. JADHAV : Sir, I move for a grant of Rs. 39,06,000 under 8-Forests.

Question proposed.

Mr. M. D. KARKI (Kanara District) : Sir, I beg to move :—

“Omit entire grant—Provision under “General Direction” (Civil Estimates, page 69), Rs. 45,000.”

I submit, Sir, that the amount of expenditure budgetted under this head, General Direction, comes to Rs. 81,000 in all, but out of this amount, Rs. 31,580 goes to make up the pay of the Chief Conservator of Forests and the rest Rs. 49,420 goes to make the establishment charges including the cost of passage granted under the Superior Civil Services Rules of 1924. Here is an instance of an expenditure which is more on the establishment than on the pay of the head of the establishment. Here we have to spend Rs. 49,420 to keep up a post of a Chief Conservator of Forests. I submit, Sir, that this item of expenditure was first introduced in the budget in the year 1917. At that time, on account of the war, there was a high demand for the various Forest products,—timber, etc., which were supplied to the War Departments, and so the Government of Bombay created this post of Chief Conservator of Forests. Since then it has been made permanent. In the year 1920, if I am right, a retrenchment committee was formed by the Government of Bombay to consider whether any retrenchment can be effected in its various departments. The Committee, on page 44 of its report, has recommended that this post of Chief Conservator of Forests should be done away with, as its retention would not better the interests of the Forests Department. The chief duties assigned to the Chief Conservator of Forests are supervision, advising Government on forest matters, research work and experiments.

With regard to supervision, this is largely done by the Conservators of Forests in charge of various Circles, by Divisional Forest Officers in the various divisions in the presidency, and lastly by the rangers in charge of the various ranges in the sub-divisions. Since the inauguration of the Forest Department, the supervision work was most efficiently going on till the creation of this post. The reason assigned for the creation of this

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post is not because there was want of supervision in the department, but because a man was wanted to advise Government with regard to the supply of forest produce at the time of the War. The Chief Conservator of Forests every year, in the name of supervision, goes round the presidency, and his travelling allowance comes to Rs. 4,700 and that of his establishment comes to Rs. 3,000. Look at the enormity of the expense of travelling.

The Honourable Mr. B. V. JADHAV : It is not much.

Mr. M. D. KARKI : Besides the Chief Conservator of Forests, the Conservators in charge of the various Circles do travel through their Circles and draw travelling allowance in the same way in which they were doing before the creation of this post. There has been no slackening in the work of supervision in the case of Conservators. So, this is additional supervising work.

With regard to the advice that should be given to the Government on forest matters, I submit that this was being done by the Conservator in charge of the Central Circle till the creation of this post. We know that the Central Circle is one which has very little work. The area in charge of the Central Circle is not in its true sense a forest area. Grass area, which is without tree growth, is added to the forest area to make up a large area of forests to be administered by a Conservator. The management of grass areas which now form part of the forest area by the Forest Department, and has gone to tell very heavily upon the poor ryots.

The Honourable Mr. B. V. JADHAV : In what way ?

Mr. M. D. KARKI : In East Khandesh, West Khandesh and in other districts such as Satara, the areas where grass is grown are wrought under the compartment system for growing good grass. Since the administration of these grass areas was taken over by the Forest Department, the price of fodder has gone very high. The whole of the grass area is sold every year to contractors, who make a huge profit out of the sale of this grass. Every cartload of grass costs Rs. 15, and the grazing in those areas is made difficult.

The Honourable the PRESIDENT : How does the grass question arise here ?

Mr. M. D. KARKI : I will come to that.

The Honourable the PRESIDENT : To what ?

Mr. M. D. KARKI : That Central Circle is very lightly worked.

The Honourable the PRESIDENT : This is a question of the Chief Conservator's post.

Mr. M. D. KARKI : He has very little work. To show this and to reply to the Minister I had to refer to the grass question.

The Honourable the PRESIDENT : I cannot allow the honourable member to discuss the general administration or policy of forests. He

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must confine himself to the reduction of the post of Chief Conservator, which is the object of his motion.

Mr. M. D. KARKI: The work of the Conservator in charge of the Central Circle is very light, and the work of giving advice to Government on forest matters was entrusted to the Conservator of Forests in charge of the Central Circle, and the officer to be appointed to that Circle was a senior member in the Forest Service. That work can be done even now by the Conservator in charge of the Central Circle.

Now, as regards research work and experiment, if you look at the Administration Reports, you will find the various sorts of research work that were undertaken recently and also the experiments started by the Forest Department. These experimental and research works can be very easily undertaken by expert rangers in their own ranges. The rangers in charge of the various ranges and the sub-divisional officers were making this research work as well as experimental work in matters referred to in the Administration Reports. So this work also is not a new work altogether to the Forest Department. It has simply changed hands and has not lessened the work of the forest rangers and divisional forest officers.

Now, I come to one more point, whether this general direction by the Chief Conservator gives any revenue to the department. A separate circle known as the Utilisation Circle has been formed.

Mr. F. W. SMYTH: Does the honourable member say, has been formed?

Mr. M. D. KARKI: Yes, has been formed for the Chief Conservator of Forests.

Mr. F. W. SMYTH: No.

Mr. M. D. KARKI: Yes, the Chief Conservator is in charge of that.

Mr. F. W. SMYTH: He is generally in charge. There is no special officer.

Mr. M. D. KARKI: It is in charge of the Chief Conservator of Forests, and if you look to the revenue and expenditure of that circle, you will find that it is working at a loss of some thousands of rupees. So, I submit that there is no earthly use in maintaining this staff, and as recommended by the Retrenchment Committee I think it should be done away with.

Question proposed.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support the motion moved by the honourable member Mr. Karki. The object, as far as I know, in introducing the post of the Chief Conservator of Forests was that we would be able to make our forests pay better, and that in the long run it would be found that the increase in income from forest revenue would be several times the expenditure which will have to be incurred on this post. But if we look at page 33 of White Book what do we find? We find that there is little or no increase in the revenue. On the contrary the revenue shows a tendency to decrease. You will find on page 33 of the

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Civil Estimate that the income for 1927-28 was Rs. 72,94,000, the budget estimate for 1928-29 was Rs. 73,94,000 and the current year's budget is Rs. 72,95,000. As a matter of fact in the war or boom years the income was very much more. By looking at the budget we find that there is no tendency for the forest revenue to increase but on the other hand if we look to the expenditure on page 69 of the Civil Estimate we find that the expenditure shows a tendency to increase. In 1927-28 it was Rs. 40,58,000; in 1928-29 it was Rs. 42,11,000 and in the current year it was Rs. 43,15,000. So, the expenditure goes on increasing and the income does not increase. So, it appears that the only effect of having this post has been to provide one more prize post for the officers of this department.

If we look at the Forest Department Report, we find that the total area of Forest is 15,000 square miles, that is to say, 9,600,000 of acres. What is the net revenue from the forests? It is less than Rs. 30,00,000, that is, Government get a revenue of 5 annas per acre. Even if they cut one tree per acre they should be able to get a bigger income than 5 annas. Moreover out of this Rs. 30,00,000, Rs. 8,00,000 is derived from grazing and over Rs. 4,00,000 from Miscellaneous and other fees. So, as a matter of fact the income is below Rs. 20,00,000. If the Chief Conservator is to justify his existence and if he is really useful he should have shown an increase in income but he has not shown any increase in the revenue during the last ten years that he has been there. Unless he shows a better profit there is no justification for continuing this post, which is a burden on our revenue. If he had happened to be in the employ of a private company his services would have been dispensed with long ago. The expense that Government have to incur on account of this post is not insignificant. They expend about Rs. 81,000 for a net income of only Rs. 30,00,000 which works out at 3 per cent. This is for the sake of one officer who is not able to show profit in spite of the fact that he has been there for the last 10 years. I do not think Government will be serving any useful purpose by maintaining this high salaried officer. I therefore hope that in view of this experience gained during the last 10 years Government would reconsider the matter and abolish this post. With these words I support the cut.

Mr. J. W. SMYTH: Sir, I do not at all agree with the arguments of the previous speaker that the profits derived from the operation of the forests are small. The honourable member further pointed out that the expenditure on the Forest Department is increasing. I should like to point out to him that since 1923-24 there has been a more or less steady decrease in expenditure. The expenditure in 1923-24 was Rs. 47,24,000; in 1924-25 it was Rs. 44,02,000; in 1925-26 it was Rs. 43,34,000 in 1926-27, there was a slight increase to Rs. 43,62,000, whereas in the year 1927-28 the last year for which we have figures it was Rs. 43,01,000. The Forest Department has been deriving an income of over Rs. 70,00,000 a year. The results of the administration have been most satisfactory since the appointment of a Chief Conservator.

[Mr. J. W. Smyth]

Previously Government found it difficult to get proper advice. Whenever Government wanted advice the three different conservators were apt to give different opinions. As it was found that this was a serious defect in the working of a commercial department like the Forests, Government thought it desirable to appoint a responsible officer for advising them on important questions of administration. This matter came up two years ago on a similar cut. Then, it was pointed out that not only was this appointment necessary for the reasons which I have already stated but also because of the transfer of the Forest Department from the control of the Honourable the Revenue Member to a Minister who had never had any experience as an officer of Government and who therefore required an adviser having actual experience of the working of the forests. I am sure that all the Ministers who have held charge of this portfolio since 1921 will realise the necessity of having an adviser with regard to the administration of the forests which are such a valuable asset of Government. I therefore advise the House not to put an end to this state of things.

Mr. M. D. KARKI (Kanara District) : Sir, the rise in the income from forest is due not on account of scientific exploitation of forests but on account of the rise in grazing fees and other fees on forest produce. The net profits in the department are going down every year notwithstanding the increase in the grazing fees and other various profits.

Mr. J. W. SMYTH : That is not correct.

Mr. M. D. KARKI : It is correct. I therefore submit that this post has not been advantageous in any way to the department and therefore it may be abolished.

The Honourable Mr. B. V. JADHAV : Sir, I think that for the management of a department like the forests a chief conservator is necessary. But at the same time I must say that I should like to look into this question. The report of the Retrenchment Committee is there. I should like to go through it and see whether any retrenchment in that department is possible.

Mr. M. D. KARKI : In view of the explanation given by the Honourable Minister and the promise he has given to consider the matter I beg leave of the House to withdraw the motion.

Question put and leave granted.

Mr. M. D. KARKI (Kanara District) : Sir, I move :

“Reduce by Rs. 50,000—Provision under Pay of Officers—Rs. 1,55,552 (C. E. page 71).”  
I have moved this cut with the intention of bringing to the notice of the Honourable Minister for Forests that there is a great scope for reduction in the expenditure under this head. The Kanara district, for instance, is divided into five divisions for the sake of forest administration. There is one more division created, as minor division or Coast Division, and with that division we have got now six divisions in Kanara. Parts of Dharwar and Belgaum districts, if I am correct, are included within these divisions.



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As has been stated on the floor of this House, the forests are now fully equipped and regeneration work is almost complete in the different parts of these divisions. If you look at the revenue and expenditure of these divisions, you will see that some of them are not working at a profit. It is only the northern division in Kanara that is making good profit. In the central, and eastern and southern divisions are the talukas of Sirsi and Siddapur. The forests of Sirsi and Siddapur are commercially useless. It will be noticed that the forests of Sirsi and Siddapur are managed by one Ranger at each place with the assistance of two or three guards only. The income from these ranges is not sufficient to meet the expenditure ; so, the staff has been very much reduced and commercially they are not fit to be maintained at all. Therefore, I submit, that there is room for retrenchment in this direction.

One more point I wish to bring to the notice of the Honourable Minister for Forests, and that is that senior rangers should be recruited to the post of Divisional Forest Officers. By so doing we can save a lot ; with their experience as rangers they will do better as forest divisional officers than new men, who according to the present practice, are placed in charge of these divisions.

The Honourable Mr. B. V. JADHAV : I learn that four such men are promoted.

Mr. M. D. KARKI : May be, but that is not sufficient. These new men take a lot of time, two or three years, for gaining experience. So, the administration would be more efficiently carried on by promoted senior rangers.

With the object of bringing these points to the notice of the Forest Minister I move this cut ; I have no other object.

Question proposed.

The Honourable Mr. B. V. JADHAV : Sir, the forests in the district of Kanara are very important, and to look after them a large number of officers are required. I do not mean to say that there is no room for retrenchment and that question should not be examined. I assure the honourable mover of this cut that when in Poona, near the Forest Office, I shall look into the whole question and see which parts are profitable and which not.

As regards his suggestion that senior rangers should be promoted to highest posts, I may point out that four appointments have been made in this way. At the same time, it is necessary to appoint some direct recruits also to these posts in order to train them to take responsible posts later on. As in the case of other departments, where direct appointments are made in (for instance deputy collectors) order to train men for highest posts, and also competent men are promoted, in the Forest Department also direct appointments are made and also senior rangers have their claims recognised and they are promoted. This practice will be followed also in the future.

Mr. M. D. KARKI : On the assurance given by the Honourable Minister, I do not press the motion.

Motion was by leave withdrawn.

Mr. M. D. KARKI (Kanara District) : Sir, I rise to move—

Reduce by Rs. 100 the total demand of Rs. 43,15,000 (Civil Estimates, page 69).

In so doing, I submit that I wish to bring to the notice of the honourable House the most unsatisfactory way in which this department is being worked. The Honourable the Finance Member in the course of his budget speech said that forest plays a very important part in the well being of the agricultural community and that the management of forests is important from the point of view of revenue also. The agriculture in this presidency mainly depends upon the forests of the presidency.

From time immemorial the agriculturists of the various parts of this presidency enjoyed the privileges of having forest produce both for their cattle and for their agriculture. They got fodder free of any charge in every part of the country and also free of charges the wood that was useful for agricultural implements. Since the inauguration of the Forest Department, I submit, Sir, steps were gradually taken to levy fees on grazing and also on forest produce that is necessary for carrying on agricultural operations. Since Government took measure to increase year by year these fees and rates on forest produce, early in 1924, Sir, when you were in charge of this department, a committee known as the Forest Grievances Enquiry Committee was appointed by this Government, with the Conservator of Forests as chairman of the committee. The committee, after visiting the various forest areas in the presidency proper, submitted its report in 1927 for the consideration of Government. I should point out, Sir, here that the non-official members were unanimous in their recommendations to Government. This report has been said to be a very valuable report by the Honourable the Finance Member in his speech. He has said, Sir, that as a result of that report, all reasonable demands in relation to forest privileges and the removal of restrictions have been conceded. I submit, Sir, that we, that is, myself and some honourable members who were on that committee will not concur with him in his view that all reasonable demands have been granted and all restrictions which were not reasonable have been removed. The privilege of grazing the cattle of the agriculturists in the various areas has not been thoroughly considered by Government. Free grazing there was in some parts of the presidency. A good case for removing the grazing fees in Kanara was made by the Forest Grievances Enquiry Committee and a good case was also made for reduction of the fees where they were raised, namely, East Khandesh, West Khandesh, and in other districts of the Central Circle. But this recommendation with regard to the reduction of fees and rates has not been at all heeded....

The Honourable Mr. B. V. JADHAV : Not considered at all ?

Mr. M. D. KARKI : I mean not considered favourably. Government regretted to accede to it.

The Honourable Mr. B. V. JADHAV : The fees have been reduced.

Mr. M. D. KARKI: Grazing fees have not been reduced and also rates on minor forest produce have not been reduced.

With regard to communal punishment for forest crimes, a sort of concession has been shown, it has been suspended in some areas. But the concession in regard to punishment for forest fires is not extended to the whole of the presidency. Especially in Kanara district such a concession has not been extended at all.

Cattle keeping in this country, Sir, has been very difficult. We all know that. Without cattle agriculture cannot prosper. Without cattle we cannot be strong and healthy. The number of cattle everywhere is going down. When we visited the various forest areas in the presidency, the first complaint made to us was with regard to the difficulty of keeping cattle. They complained that the increase in the rate of grazing fees has come in their way and the cattle keeping being difficult the number of cattle is diminished, and so with the decrease in cattle, the cultivation also has gone down. This most important thing ought to have been favourably considered. The Government makes a revenue of Rs. 3 lakhs out of grazing fees throughout the presidency proper, and Government also says that at full rates it would come to Rs. 8 or Rs. 15 lakhs. Government have got a covetous eye upon this income. Wherever you go, Sir, you will find that revenue settlement is going on. At every revision settlement new proposals for increase of assessment are being put forth. (The Honourable Mr. B. V. Jadhav: That is a revenue matter.) There is, thus increase of assessment on the land, and also an increase in the rates on the forest products which are necessary for implements and other things for carrying on agricultural operations.

The Honourable Mr. G. B. PRADHAN: Are they not given free?

Mr. M. D. KARKI: No; they may be in some parts only; they are taxed in the Central Division, in Belgaum and other districts. It is only in Kanara there is that privilege obtaining.

Sir, the most burning question in Kanara was the conferment of malki rights over betta. When the Honourable Minister of Forests, that is, Mr. Pradhan, visited last time Kanara, this fact was prominently brought to his notice that if malki rights were conferred on the gardeners, 75 per cent. of their grievances would be redressed. I am told that the Honourable the Finance Member (Mr. Pradhan) left a long note and a strong note too for the consideration of the Revenue Department....

Mr. J. W. SMYTH: What is that?

Mr. M. D. KARKI: Malki rights over bettas. Even some of the Collectors of the district are of opinion that it should be sooner conceded to the gardeners. The forest officers are of opinion that that right should be conceded. I do not know where this proposal is hanging fire at this stage. If you delay things in such important matters, things would go from bad to worse. You know how gardeners in Kanara are hard hit and are under so many difficulties, and if you do not confer this right as early as possible, you will not keep them in contentment. The garden

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industry is going down, and at the same time there is a proposal to keep the assessment on some gardens at the same rate as it was fixed in the original settlement. Only in the case of certain gardens which have gone out of cultivation a decrease is proposed.

The Honourable the PRESIDENT : I think the House will understand better if the honourable member explains what the betta rights are.

Mr. M. D. KARKI : Betta lands are auxiliary lands, which are very close to the gardens. Garden cultivation requires plenty of green leaves. Every acre of garden requires the forest produce grown in 9 acres of the betta land. The gardener has to collect green leaves in the rainy season and dry leaves in the winter to manure his garden. Without this leaf manure, the garden cultivation will not thrive and will not be possible at all.

The Agricultural Department has come to a conclusion, Sir, that the ancient way of manuring is a thing which cannot be departed from and that for better cultivation betta is necessary. The history of betta is a sad one. There was a struggle between the Forest Department and the ryots with regard to the concession of betta rights, and it is now a settled and accepted fact that every acre of garden requires nine acres of betta. Government have granted this right and have set apart nine acres for every acre of garden, but the malki right over the betta has not been given to the ryots. They cannot freely manage these bettas. With this restriction on the bettas, cultivation suffers. Therefore, it was proposed long ago that the Malki right over the betta should be conceded to the ryots. As this has not been done, my complaint is that the garden industry cannot thrive at all. I therefore request the Honourable the Revenue Member because he is in charge of the bettas that the right over the betta should be given over to the gardeners as early as possible.

I now come to another point, namely, the fees levied on Tali Palm trees. You will be surprised to hear, Sir, that the pith of this tali palm tree is used as food but the food prepared from the pith is actually not eaten even by dogs and crows, but the poor people consume it as a food. Formerly, these trees were given free to the ryots of Kanara and they enjoyed the privilege from time immemorial. But since the inauguration of the Forest Department, an attempt was made to levy a small fee of one rupee. It was then increased to Rs. 2 and from Rs. 2 it has now gone up to Rs. 4. The pith is used as food by the poorest of the poor. The agriculturists, who cannot afford to maintain themselves out of the income of their fields, do use this tali palm pith for food. In the Forest Committee a proposal was brought for discussion and in that discussion it was agreed with the consent of the non-official and official members that the fees should be reduced from Rs. 4 to Rs. 2, but when the report was written, the officials said that they would not interfere in the matter of fees but the non-officials were unanimous in recommending that the fees should be reduced from Rs. 4 to Rs. 2. Even this very small favour, if granted, would have gladdened the people and would have placed them

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under a deep debt of gratitude. The Government, after reviewing the report, were not even ready to concede this small favour to the agriculturists. This point was brought prominently to the notice of the present Finance Member who visited Kanara in his former capacity of Minister for Forests. Nothing has been done in that direction yet. Only a week ago I brought this fact to the notice of the Honourable the Minister for Forests and I hope that he will consider this matter as favourably as he can and as early as possible.

Now, I come to the Revenue side of the department to see whether the department is being worked with advantage to build up the revenue of this Government. I submit that such is not the case....

The Honourable the PRESIDENT : Is the honourable member likely to take long to finish his speech ?

Mr. M. D. KARKI : Yes, Sir.

The Honourable the PRESIDENT : The House is adjourned to 1 p.m. on Monday, the 4th March 1929.





*Monday, the 4th March 1929*

The Council re-assembled at the Council Hall, Bombay, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 AMIN, Mr. H. J.  
 ASAVALE, Mr. R. S.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHURGRI, Mr. J. W.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHEER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. C. S. C.  
 HOTSON, the Honourable Mr. J. E. B.  
 ISHAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JANVEKAR, Mr. D. A.  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.



KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUERO, Khan Bahadur M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LIGADE, Mr. S. P.  
 MACKIE, Mr. A. W. W.  
 MACLACHLAN, Mr. D.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PAWAR, Mr. SADASHIVRAO alias KHASERAO JIVAJIRAO  
 PETTIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. CHHOTALAL R.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 SYED MUHAMMAD KAMIL SHAH  
 SYED MUNAWAR, Mr.  
 THORAT, Sardar S. B.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.  
 WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Swearing in of a new member.

Mr. C. S. C. Harrison then made the prescribed oath of allegiance to His Majesty the King Emperor, and took his seat in the Council.

The Honourable the PRESIDENT: Order, order. Questions.

#### TENANCY LEGISLATION, SIND.

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that the total number of persons in Sind dependent on agriculture was nearly 19 lakhs according to the census of 1921;

(b) whether it is a fact that there are only about two lakhs of persons who are owners of agricultural land and the remaining 17 lakhs are only tenant population which mostly has no interest or right in land at all;

(c) whether it is a fact that Government propose to take up at a very early date the question of bringing forward tenancy legislation to give occupancy and other rights to the cultivators of Sind and to see that cultivators share any and all benefits which the landowners may derive from Government under any revision of the revenue law;

(d) whether they are aware that such tenancy legislation exists in other provinces?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) The figures are—

Number of persons receiving income from rent of		
	agricultural land..	157,201
Do.	do. of	
	Cultivating owners..	246,314
Do.	do. of	
	Cultivating tenants..	1,427,824
Do.	do. of	
	Cultivators unclassified..	22,703

(c) The general question of tenancy legislation is under the consideration of Government, but Government are not at present prepared to say whether any legislation that may be proposed will be so framed as to provide for the objects indicated by the Honourable Member.

(d) Yes.

Mr. N. A. BECHAR: With regard to the reply to (c), will Government kindly indicate what kind of legislation they will bring, if they do not propose to bring the kind of legislation which is suggested in my question?

The Honourable Mr. J. L. RIEU: I am unable to reply to that question.

Mr. J. C. SWAMINARAYAN: How long will Government take to bring tenancy legislation?

The Honourable Mr. J. L. RIEU: I cannot say.

## FOREIGN LIQUOR CONSUMPTION : METHOD OF COMPUTATION.

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Agriculture be pleased to state how the consumption of foreign liquor in the Presidency was calculated during the ten years preceding 1923, and how the same has been calculated since ?

The Honourable Mr. B. V. JADHAV : As regards the Town and Island of Bombay, during the ten years preceding the year 1923-24 both whole-sale and retail sales were taken into account in preparing the returns of consumption as the licensees did not keep separate accounts of these transactions. For the years 1923-24 to 1927-28 wholesale figures were omitted from calculation and only retail sales were reported. Both methods having proved to be inaccurate a new system has been introduced with effect from 1st April 1928 which is expected to furnish more correct statistics of actual consumption. In respect to other areas the correct figures of actual consumption have all along been reported.

Dr. M. D. GILDER : Will the Honourable Minister be pleased to state what is the new system that has been adopted since the 1st of April 1928 ?

The Honourable Mr. B. V. JADHAV : Separate figures are available for retail and wholesale sales.

Rao Saheb D. P. DESAI : Are these figures not kept in London proof gallons ?

The Honourable Mr. B. V. JADHAV : They can be converted easily into London proof gallons.

Rao Saheb D. P. DESAI : How can they be converted, unless we know the consumption in London proof gallons ?

The Honourable Mr. B. V. JADHAV : It is a matter of calculation.

## CIVIL SUITS : THAR PARKAR DISTRICT.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that in some of the talukas of the Thar Parkar District all civil suits of the value of Rs. 250 and under are being heard by the mukhtiarkar or the principal revenue officer of the taluka ;

(b) whether it is a fact that the mukhtiarkar has constantly to shift his camp from place to place during the touring season and that this entails great inconvenience to the parties to suits ;

(c) how many places were visited by the mukhtiarkar of each of the talukas of the Thar Parkar District during the last touring season and the number of miles each such place was from the headquarters of the taluka ;

(d) how many hearings of the suits filed before each of the mukhtiarkars took place at the headquarters of the taluka and how many outside the headquarters since the system referred to in part (a) of the question came into force ;

(e) whether Government intend to consider this question of abolishing this system :

(f) what will be the net cost to Government of having a permanent subordinate judge working all the year round at Mithi ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes. In Chachro, Mithi, Diplo and Nagar Parkar Talukas.

(b) It is a fact that the mukhtiarkars of the abovementioned four Talukas have constantly to shift their camps from place to place during the touring season, but their absence from headquarters does not appear to entail much inconvenience to litigants as under existing Revenue orders they have to spend 10 days a month at headquarters during the touring season.

(c) The number of places visited by each mukhtiarkar in the Desert Division during the last touring season is as under :—

Chachro.	Mithi.	Nagar Parkar.	Diplo.
69	84	124	176

The distance varied from 6 to 48 miles.

(d) In Diplo and Nagar Talukas no suits were tried outside headquarters. In Chachro and Mithi Talukas most of the suits were tried at taluka headquarters : when hearings were fixed in the mofussil they were so fixed out of regard to the convenience of the parties. Under the Commissioner's Notification No. 786-A, dated the 22nd August 1927, all cases are to be tried at headquarters and this is being pointed out by the District Judge to the mukhtiarkars concerned.

(e) No.

(f) Approximately the net cost to Government would be Rs. 19,500.

SYED MIRAN MUHAMMAD SHAH : Will Government be pleased to state if they have issued any notification as regards fixing the dates of hearing of criminal cases also at headquarters ?

The Honourable Mr. J. E. B. HOTSON : I do not think so. I have never heard of any such order.

SYED MIRAN MUHAMMAD SHAH : Has it come to the notice of Government that it causes much trouble to the people, while the officer is out on tour ?

The Honourable Mr. J. E. B. HOTSON : The answer states, I think correctly, that the inconvenience to those concerned is very small.

Mr. JAIRAMDAS DOULATRAM : Does "not much" mean very small ?

The Honourable Mr. J. E. B. HOTSON : That I think the honourable member can interpret himself. I do not think there is very substantial difference between the two.

#### LAND REVENUE INCIDENCE.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) what the incidence of land revenue to total population in Sind is for the latest year for which figures are available ;

(b) how it compares with each of the other divisions of the Presidency ?

The Honourable Mr. J. L. RIEU : The honourable member is referred to the figures contained in Appendix IV to the Land Revenue Administration Report for the Presidency proper for the year 1925-26 and to Appendix VI to the same report for Sind. A copy of this Report will be found in the Council Library.

#### SCHOOL BOARD : NASIK LOCAL BOARD.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) what action has been taken on the Report of Mr. Dracup regarding the administration of the District Local Board and the District School Board of Nasik ;

(b) whether it is a fact that the old District School Board of Nasik is yet functioning though the old District Local Board has ceased to exist ;

(c) if so, whether Government intend in view of the Report of Mr. Dracup regarding the administration of that District School Board to disallow the old District School Board, Nasik, to function, and if so, when ;

(d) whether it is a fact that Mr. A. G. Shaikh who was appointed by the old District School Board of Nasik as their Administrative Officer has been allowed by Government to continue there as supervisor ;

(e) whether it is a fact that Mr. A. G. Shaikh is partly responsible for the administration of the School Board as described by Mr. Dracup ;

(f) if so, what steps Government intend to take regarding him ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Government have sanctioned the prosecutions of those persons against whom there was *prima facie* evidence that they had been guilty of offences under the Indian Penal Code.

(b) No.

(c) Does not arise.

(d) No.

(e) No.

(f) Does not arise.

Rao Bahadur R. R. KALE : With regard to (b) will the Honourable Minister be pleased to state how long after the district local board has ceased to exist was the schools board abolished ?

The Honourable MOULVI RAFIUDDIN AHMAD : I will be pleased to give the information if the honourable member will give me notice.

Rao Bahadur R. R. KALE : This question was put at the last September session. At that time the district school board was still functioning, after the district board had ceased to exist.

The Honourable MOULVI RAFIUDDIN AHMAD : It was never abolished. Another district board had taken its place.

Rao Bahadur R. R. KALE : That was a new board. The board has been replaced by another board ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Rao Bahadur R. R. KALE : Similarly, my question was whether the school board was replaced by another body, and if so, how long after the district board was replaced ?

The Honourable MOULVI RAFIUDDIN AHMAD : It was done in the ordinary course. I do not remember the exact date. I shall find it out if the honourable member gives notice.

Rao Saheb R. V. VANDEKAR : Are Government aware that the election of the chairman of the school board has already taken place ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

BOMBAY DEVELOPMENT DEPARTMENT : RECLAMATION  
PAYMENTS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the nature of the system of the keeping of stock account in Colaba Section of the Back Bay Reclamation works ;

(b) whether it is a fact that over Rs. 2,000 were paid during 1927-28 to contractors for alleged supply of articles for which no record is to be found in Government account books ;

(c) whether the Deputy Chief Engineers and Audit Officers are responsible for this payment ?

The Honourable Sir GHULAM HUSSAIN : (a) Prior to the year 1924, the account of the materials received and issued in the Colaba Section of the Back Bay Reclamation Scheme was kept on the system of tally cards. The quantities of the receipts and issues of materials were recorded on these tally cards from which the balances were struck. When bills for materials were received, they were verified with the tally cards before they were passed for payment. After 1924, the stock account of the Colaba Section was maintained in the form of two registers showing, respectively, the quantities of the daily receipts of materials and the quantities of daily issues, each class of materials being shown separately in each register.

(b) No. After the Colaba Section was abolished in March 1926, certain claims were put in by contractors for articles alleged to have been supplied by them prior to that date. After full investigation, Government were satisfied that articles to the value of Rs. 1,789-6-0 had been supplied, and liability to this extent was admitted.

(c) No.

Mr. HAJI MIR MAHOMED BALOCH : Is it not a fact that according to the Public Works Department Code officers should keep stock registers of the materials supplied and the materials issued ?

The Honourable Sir GHULAM HUSSAIN : Like every business man Government in the Public Works Department maintain such a register.

Mr. HAJI MIR MAHOMED BALOCH : Between 1921 and 1924 they had no system of register. How did they maintain a record of supplies and issue of materials ?

The Honourable Sir GHULAM HUSSAIN : The system of tally cards is also a method of maintaining such an account.

Dr. M. K. DIXIT : When was this system of tally cards changed to register ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Mr. B. G. PAHALAJANI : Are tally cards loose sheets ?

The Honourable Sir GHULAM HUSSAIN : They are generally big cards on which issues of materials are recorded.

Mr. W. S. MUKADAM : Are these cards still preserved or have been destroyed ?

The Honourable Sir GHULAM HUSSAIN : I cannot tell unless the honourable member gives me notice.

Mr. W. S. MUKADAM : May I know what was the system in force when these cards were ordered to be destroyed, how long they are to be preserved ?

Mr. HAJI MIR MAHOMED BALOCH : May I know who took charge of these materials to the value of Rs. 1,789-6-0 and what was the kind of material ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Mr. J. C. SWAMINARAYAN : Was the claim allowed because it was in the tally cards ?

The Honourable Sir GHULAM HUSSAIN : The reply is there.

Mr. HAJI MIR MAHOMED BALOCH : Between 1921 and 1924 there was no register. How were the Government able to recognise the claims preferred after 4 or 5 years lapse of actual alleged delivery ?

The Honourable Sir GHULAM HUSSAIN : If it had not been in the register, Government would not have been able to recognise the claim.

Dr. M. K. DIXIT : The reply should be either in the affirmative or negative.

Mr. B. G. PAHALAJANI : Why Government admitted the claim after 1926 ?

The Honourable Sir GHULAM HUSSAIN : Because it was made after 1926.

Mr. B. G. PAHALAJANI : Was there an investigation held ?

The Honourable Sir GHULAM HUSSAIN : When every claim comes an investigation is made.

Mr. B. G. PAHALAJANI : Was the claim recognised after reference to the register ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member gives me notice, I will find out.

Mr. HAJI MIR MAHOMED BALOCH : Was that claim recognised on the basis of the tally cards or register, because Government says that that section of reclamation was closed in 1926 when the officers must have left and the claims were admitted in 1928-29 ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Mr. W. S. MUKADAM : When the investigation was made were the tally cards in existence ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Dr. M. K. DIXIT : As regards this amount of Rs. 1,789-6-0 has the liability to that extent been admitted or the amount has been paid ?

The Honourable Sir GHULAM HUSSAIN : I think it must have been paid.

#### REVENUE REMISSIONS, TALUKDARI VILLAGES.

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether when the Government orders remissions in Talukdari villages where the system of revenue in force is one of cash assessment and payment, such remissions are intended in the interest of the Talukdari agriculturists also ;

(b) if the answer to (a) is in the affirmative what steps they take to assure themselves that the agriculturists do get the benefit of these remissions ?

The Honourable Mr. J. L. RIEU : The honourable member is referred to the reply given to his question on the subject in the second session of the Legislative Council in July 1927, which has been printed on page 548 of Volume XX of the Bombay Legislative Council Debates, July-August 1927.

#### REVENUE REMISSIONS, SANAND ESTATE.

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether there were any suspensions ordered in Samvat 1975 in the Talukdari villages of the Sanand Estate and remissions ordered in Samvat 1977 or 1978 in the same villages ;

(b) if the answer to (a) is in the affirmative whether the agriculturists of the village received the corresponding remissions ;

(c) if the answer to (b) is in the negative whether Government intend to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) Does not arise.

#### REVENUE REMISSIONS : DHOLKA TALUKA.

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether there were any remissions ordered in Samvat 1977 or 1978 in the Talukdari villages of Dholka Taluka and particularly in Lagdana and Baldana and whether the corresponding remissions were given to the agriculturists of these villages ;

(b) if the answer to (a) is in the negative whether Government intend to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (a) Remissions were granted in the Samvat year 1977 in the case of Baldana, and corresponding remission was granted to the tenants of Baldana. No remission was granted in Lagdana village in the Samvat year 1977 or 1978.



(b) Government do not consider it necessary or even practicable to take any action in the case of Lagdana village after the lapse of time that has occurred.

#### RATIONING COUNTRY LIQUOR : LEGISLATION.

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the articles on “Bombay Government and Rationing” by the Reverend J. F. Edwards appearing in the *Times of India* of February 14th and 15th ;

(b) if so, will they be pleased to state whether they have considered the question of drafting a bill for introduction in this Council making rationing of country liquor statutory ?

The Honourable Mr. B. V. JADHAV : (a) Yes.

(b) No. The Honourable Member is referred to the concluding portion of Government Resolution No. 8617/24 dated 11th April 1928 passed on the Prohibition (Finance) Committee's Report which contains the views of Government on the question of the continuance of the rationing system. A copy of the Resolution has been furnished to all members of this Council.

#### DRINKING WATER, KUBADTHAL.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the water of the village tank of Kubadthal, a village of South Daskroi Taluka of Ahmedabad District, is drunk by the cattle of the villages Kuladthal, Laurpur Zami and Sune paras of Kuha ;

(b) whether the clay mound surrounding this tank was breached in three places during the heavy rainfall and floods which took place during the concluding work of July 1927 ;

(c) whether 2 of those 3 breaches have endangered the safety of the two village wells of Kubadthal ;

(d) whether one of these wells supplies drinking water to the “Bhangis” or the untouchables of the village and the other well to the other people ;

(e) whether the village people of Kubadthal have sent a petition to the Collector of Ahmedabad District requesting him to have the breaches repaired as a special case of heavy damage done by extraordinary circumstances ;

(f) if the answer to (e) is in the affirmative, what action the Collector of Ahmedabad has taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) No.

(d) Yes.

(e) Yes.

(f) An amount of Rs. 462 has been provided by the Commissioner to repair the breaches in a portion of the tank.

JUDICIAL OFFICERS, KARACHI AND HYDERABAD :  
ALLOWANCES.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District) : Will Government be pleased to state—

(a) whether it is a fact that all those officers of the Judicial Branch residing in the city of Karachi who do not travel are granted a special allowance on account of their stationary life ;

(b) whether stationary judicial officers at Hyderabad are getting any special allowance : if not, what are the reasons for making a distinction between Karachi and Hyderabad ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) No Judicial Officers stationed either at Karachi or Hyderabad draw any special allowance on account of their stationary life.

Mr. SYED MIRAN MUHAMMAD SHAH : Is any local allowance or house allowance given to judicial officers in Karachi ?

The Honourable Mr. J. E. B. HOTSON : In Karachi the officers of the judicial department are paid the same compensatory allowance as the officers of other departments.

CHITNISES AND HEAD CLERKS : APPOINTMENT OF  
BACKWARD CLASSES.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether they are aware that in spite of the instructions from Government to appoint candidates from backward classes to the posts of Chitnis and Head Clerk as well as to posts in the selection grade, such instructions are not carried out ;

(b) if so, what steps have been taken in the matter ;

(c) if no steps have been taken, whether they propose to take any ?

The Honourable Mr. J. L. RIEU : (a) Government have not issued any instructions to this effect. The orders of Government prescribe a minimum percentage of recruitment from members of the backward communities to the clerical staff of all departments, and enjoin that, though promotion thereafter is not to be granted on communal or caste grounds only, full weight should be given to the claims of clerks belonging to the backward classes who are properly qualified.

(b) and (c) Effect is being given to the orders of Government.

Mr. W. S. MUKADAM : May I know what communities and sub-castes are taken by Government to be backward classes ?

The Honourable the PRESIDENT : That has been discussed at length.

Mr. W. S. MUKADAM : Sir, different departments of Government mean different communities and sub-castes by the term "backward classes", and we on this side of the House are not informed how definitions of backward classes are arrived at.

The Honourable the PRESIDENT : That can form the subject of another question.

## CHITNIS, CENTRAL DIVISION.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

- (a) the number of Non-Brahmin Chitnises in the Central Division and the District in which they are posted ;
- (b) the number of Non-Brahmin Mamlatdars in the Central Division eligible for Chitnises' posts ;
- (c) how many of them were tried for such posts ;
- (d) whether Government are aware that in Southern Division almost all the Chitnises' posts are held by Non-Brahmins ;
- (e) if the answer to (d) is in the affirmative, the reason why in the Central Division the majority of the Chitnises' posts are held by members of one community ?

The Honourable Mr. J. L. RIEU : (a) 3 : in the Ahmednagar, West Khandesh and East Khandesh Districts.

(b) 18.

(c) 5.

(d) Out of the 6 posts of Chitnis in the Southern Division 2 are held by Brahmins, 2 by non-Brahmins and 2 by Mahomedans.

(e) Does not arise.

Rao Saheb D. P. DESAI (Kaira District) : Sir, before we go to the next business, I want to enquire what has become of the request made to the Honourable the Leader of the House by leaders on this side of the House that Irrigation should be taken up after Revenue. We have not heard anything about that. As a matter of fact leaders on this side were unanimous in their demand. The procedure in the Assembly, when leaders are unanimous, is that Government grant the request made.

The Honourable the PRESIDENT : Well, I have received a copy of a similar letter from various leaders of the House and I have forwarded it to the Leader of the House. I suppose he has received it. Has he any statement to make on that ?

The Honourable Mr. J. L. RIEU : Sir, I should prefer, with your permission, to make a statement at a later stage ; but I may inform the honourable member that we are considering the question. After consultation with you, Sir, we shall come to a decision.

The Honourable the PRESIDENT : There was just one thing brought to my notice by the Muhammadan members of this House from Sind, namely that they thought that if the matter was delayed too long, they might have no chance to discuss it as they would be leaving the Council for the Id holiday. Would the Honourable the Leader of the House make a statement before that ?

The Honourable Mr. J. L. RIEU : I think I ought to be in a position to make a statement to-morrow.

Question proposed :

Reduce by Rs. 100 ' Total Demand, Rs. 43,15,000 (C. E. page 69)

Mr. M. D. KARKI (Kanara District) : Sir, I beg to continue the discussion that was started on Saturday on the policy of Government in

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their Forest department. The other day, I pointed out to this honourable House some of the main grievances of the ryots and suggested that they should be redressed soon. The grievances of the ryots do not end there. I would like to draw the attention of the Honourable Minister to the report of the Forest Grievances Enquiry Committee and also to the letter addressed by the President of the Presidency Association, Bombay, in that connection. The gardeners of Kanara also waited upon His Excellency the Governor in 1927 and represented their case in writing: I would like to draw the attention of the Honourable Minister to that representation also. In the interests of the agricultural community at large it is necessary that the Minister of Forests should take early steps to have all the grievances redressed.

Coming now to the revenue side of this department, I would point out that the chief items of revenue under this head are three—(1) timber, etc., removed from the forests by Government agency; (2) timber, etc., removed from the forests by consumers and purchasers; and (3) other sources. It is not known what receipts of income are included in the third head "other sources". If we look at the income derived under the head "timber removed from the forests by Government agency" we find that the amount comes to nearly Rs. 26,34,000 a year. To extract timber worth Rs. 26,34,000 the department is actually spending Rs. 13,94,000, leaving Rs. 12,40,000 as surplus. I would earnestly ask whether such a huge expenditure is quite necessary to realise a surplus of Rs. 12,40,000. The royalty to be paid on the timber is also included in this Rs. 12,40,000. If the royalty amount is excluded from this amount, I doubt whether there will be any surplus left under this head. If Government cannot make more profits, *i.e.*, over and above the royalty amount, under this head, I do not see the advisability of undertaking this commercial enterprise by Government.

The Honourable Mr. B. V. JADHAV: Then, who should undertake it?

Mr. M. D. KARKI: It should be left to private enterprise.

Coming to the second item of revenue, namely, timber, etc., removed from the forests by consumers and purchasers, the amount of revenue is Rs. 42,47,000 and the expenditure is only Rs. 2,28,000. No doubt that is good progress. But the progress made is not sufficient. Since the inauguration of this department, nearly 70 years, I think, have elapsed—if not more than that—and yet the high forests in the different parts of this presidency have not been touched. Firewood brings in only an amount of Rs. 6,22,000. During this year there is a deficit budget compared to the last year, and the reason given is that Government have lost good customers in the Madras and Southern Mahratta Railway Company. No reasons have been assigned why they have lost such good customers of fuel. There is wide scope for exploiting the forests and also for making more revenue under this head. It is said that roads have been built in various parts of the presidency to reach the high forests and to exploit them. But the income under this head is almost stationary for so many years; and in this amount of 42 lakhs

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47 thousand I would submit, Sir, that 8 lakhs 32 thousand represents the amount realised from the sale of fodder grass and grazing fees and 2 lakhs 30 thousand comes from the sale of other minor produce. In this amount also a large portion comes from the agriculturists as a result of the increment of rates newly fixed. I would submit that under this head Government should not try to earn more money from the agriculturists. The activities of the departments should be mainly confined to the extraction of timber and firewood from the jungles.

Now, Sir, with regard to the income under the head "Other sources" this is estimated at Rs. 3,66,000. As details are not available, it is not possible for me to lay before this House as to whether the income derived under this head is also realised by taxing the ryots. I am afraid that under this head the amount realised as the result of communal punishment for illicit forest fires is included. In this connection I would bring to the notice of the Honourable the Minister for Forests that the Government of Bombay in 1927 issued a resolution (No. 8624 dated 6th April 1927). Of course I would thank the Honourable the then Minister for Forests (Mr. Pradhan) for having taken this bold step of doing away with communal punishment for a time. As soon as the report of the Forest Grievances Enquiry Committee reached his hands, the first bold step that was taken by him was this. He issued this resolution stating that in the districts of East Khandesh, West Khandesh and Satara communal punishment as a result of illicit forest fires should be suspended for one year. With regard to the communal punishment resulting out of illicit cutting as well as illicit grazing, he ordered, this should also be suspended throughout the presidency. It was only a temporary measure on an experimental basis. It is not known whether the experiment has succeeded.....

The Honourable Mr. B. V. JADHAV : It has not succeeded.

Mr. M. D. KARKI : I am sorry to hear it has not succeeded, but some more time should be given to see whether it would be a success or not.....

The Honourable Mr. B. V. JADHAV : It has been given.

Mr. M. D. KARKI : Then I would request the Honourable the Minister for Forests to go deep into the matter and find out whether there is any truth in the report of the officers concerned, that it has not been actually a success.

The Honourable Mr. B. V. JADHAV : The honourable members for the districts concerned have been informed of the failure of the experiment and they have been requested to see that more attention is paid to these communal punishments and to exercise their influence in their castes.

Mr. M. D. KARKI : I have been receiving complaints after complaints about the communal punishments on villagers every month. So I would request that this question should receive the kind attention of the department in future also.

Now, Sir, I come to the head "Maintenance, repairs and renewals." We find the provision of Rs. 1,72,314 made under this head for

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maintenance and repairs to railways, roads, bridges, non-residential buildings and other works. In this connection I would like to submit that before 1922 a Forest Engineering Branch was started in this department, and as a result of that scheme, various schemes of speculations were undertaken, buildings were built and roads were constructed. In the budget speech of the Honourable the Finance Member a great deal has been said about the construction and extension of roads in the Dangs, in Peint, in the Thana and Kanara districts. How far they have been successful is a question. But with regard to the undertakings of this Engineering Branch in the Southern Circle I would submit that they have all been failures. In the Southern Circle we have the experience of lakhs of rupees lavishly spent for schemes started by the Forest Engineering Branch such as the Keneri River Scheme which cost nearly 50 thousand rupees, but it did not give a pie worth of return. It was undertaken and finished in the fair season and in the rainy season it was all washed away. Nothing was left actually and an amount of 50 thousand rupees was sunk in that "Kali" river. Again, Sir, the Alnawar-Dandeli Railway has been built at a cost of Rs. 9 lakhs. What is the return? We want to see whether it is working at a profit or at a loss. I submit that the Government have admitted that it is working at a loss. The loss comes to not less than Rs. 50 thousand a year. We are told that on account of the want of wagons, the railway has been working at a loss, and unless there is a sufficient number of wagons, the traffic cannot be very profitably run. This complaint is being made every year, but no steps have been yet taken to see that the wagons are supplied and this railway worked at a profit. Secondly, Sir, the cost that was incurred on the Dandeli Depot was enormous. It is said that lakhs of rupees have been spent, and at the time when it was completed, one would find there cement, earth, mortar and wood work thrown away. Besides this depot, a service reservoir costing about 15,000 was undertaken. Nobody considers whether there is any return for the moneys sunk in the depot. Again, the Dindeli Potoli Railway was undertaken, but it was not completed. A rolling stock of lakhs of rupees was lying there. But it is not known what has become of the rolling stock there.

Again, Sir, about the Bomanhalli causeway it was being managed at an annual cost of Rs. 100, but an amount of Rs. 60,000 was spent on this causeway. What is the return? The estimate was for Rs. 60,000, but my friend says it went up to Rs. 90,000, for building this causeway! It is not an inhabited place. There is no regular traffic there throughout the year. It is only in the working season in the forest that one has to make use of this. For this purpose an amount of Rs. 90,000 was expended without any profit.

Again, Sir, a number of unnecessary roads, such as Devikop-Tamur, Kirood-Mirol, etc., were constructed and various other buildings that are lying vacant now, were built. They are not inhabited, and if you go and see, then Sir, you will find them well furnished at a very high cost.

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I think that the Government did an unwise thing in sinking such a large amount in these schemes and buildings and roads. What about these roads constructed at a huge cost? They were abandoned subsequently; they were not completed on account of the shortage of funds. They are there. They have lapsed into the forest, and the money that has been spent is nowhere there. I do not know if Government adopt this fashion, whether their undertakings, their construction of roads, their schemes of railways will ever be a profitable concern to them.

Now, Sir, I come to the regeneration of forests. We have got a forest of 50,000 acres throughout the presidency. Look at the sum expended on reproduction and plantation: The money is not spent in the right direction. This is a constructive work, which requires greater attention on the part of the Forest Department. They spend merely, Sir, Rs. 92,000 over the whole presidency for reproduction and Rs. 4,200 on plantation. Look at the petty amount that is being expended. We are told that our forests are our national assets and we will realise crores of rupees in the near future. Is it a way of regenerating our forests? All the wild forest should be taken away and new forest replaced in its stead. In the forests of Kanara no valuable timber can be had; all that can be had is unfit for timber and unfit for fuel, too. This should be taken out and new useful trees should be replaced. That is not being done. They expend Rs. 23,00,000 over establishments and say forests are national assets and they will bring in crores of rupees in the near future. If things go on in this way, I do not know how the dream of their being our national assets will be realised and I think in the matter of revenue from forests we will not reach our goal of "having crores of rupees in the near future."

Now, Sir, I come to another point, a small item of Rs. 44,300 that is spent on the "clothing." To clothe the department, the Government is spending such an amount. In this connection, I would bring to the notice of the Honourable Minister that handspun and handwoven cloth should be utilised for this purpose. The other day, Sir, the Honourable Minister was present at the Dadar Co-operative Conference. The honourable member of the Council of State, Mr. Ramdas Pantalu who presided over the Conference brought to our notice that Khaddar is playing an important part in the economics of the country. Of course, we poor people cannot afford to purchase more khaddar on account of its price. But Government, which is prepared to sink lakhs of rupees in useless work like Keneri River scheme and so many other schemes, can try and see whether this could be made a success. We have got durable khaddar available in every part of the country, and if the Honourable Minister kindly minds it, I think a good progress could be made towards swadeshi.

The Honourable Mr. B. V. JADHAV: Khaddar?

Mr. M. D. KARKI: Yes, khaddar.

The Honourable Mr. B. V. JADHAV: Where?

Mr. M. D. KARKI : Everywhere. I will help the Honourable Minister, if he wants to put his mind in it.

The Honourable Mr. B. V. JADHAV : Take the Director of Industries into confidence.

Mr. M. D. KARKI : Khaddar, Sir, is suitable for forest life. You should move in the matter.

The Honourable MOULVI RAFIUDDIN AHMAD : You mean patronise khaddar ?

Mr. M. D. KARKI : Yes, yes. Government should purchase khaddar for clothing forest officials. We are spending now over Rs. 40,000 on the clothing for the department.

Then, Sir, in conclusion, I should thank the Honourable the Finance Member Mr. Pradhan, who took great pains at least to see that some of the grievances were redressed. He visited Kanara, studied Kanara problems on the spot. He recommended that malki rights over betta should be conferred on people. He introduced also pepper vine cultivation on an experimental basis in three or four villages. And I should congratulate also the present Minister of Forests for the earnest work which he has taken in hand to relieve the agriculturists from the grievances they are groaning under. He has already taken the right step in seeing that the claims of the agriculturists for forest produce are soon granted. I would now bring to the notice of this honourable House one more point, namely, the apathy shown by the honourable members on the non-official side of the House to such an important matter as "Forest" which greatly concerns the agriculturists of this presidency. It is on account of this that we people in Kanara want to have a separate province for the Karnatak. Nobody feels the pinch of the Forest grievances. Of course, the difficulties of cattle keeping have become unbearable in some parts of the central Circle. I am fighting their cause but nobody wants to back me up. If all the Kanarese-speaking districts are united, we would have the forest districts of South Kanara, parts of Nilgiris, province of Coorg, and parts of Belgaum and Dharwar, and in that event we will try to give the Government a good front in the matter of forests. Now, since yesterday I have been telling this honourable House the various difficulties under which the ryots are labouring, but no one is taking any interest in such an important matter. I therefore leave the whole thing to the Honourable the Minister for Forests and request him to go through the report of the Forest Grievances Enquiry Committee and also the representation which has been sent to him by the President of the Bombay Presidency Association. With these words, I resume my seat.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, this is a motion more or less for criticising the policy of the Forest Department. After a careful comparison of the forest budgets for the previous years with the present year I find that this commercial department having within it Karnatak and Sind Forests has, instead of continuing as a productive asset, still remained a stagnant department, stagnant so far that no progress is made either in increasing the income of this department or in reducing the expenditure of this department. Therefore, more or less this is a



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department in which we have got a stagnancy or more or less a retrogression. Every Minister that has come and gone after 1922, has allowed the department to exist, nothing more, and has allowed the executive branch to carry on the routine duties without caring to start any new ideas which may turn this department into a productive one. The post of Chief Conservator did not exist before 1920. It was specially created in order to give a fillip to the commercial activities of the department, and it has existed up to the present moment. We have got four divisional conservators in charge of the administrative duties and I believe that the Chief Conservator of Forests has a personal assistant who can look after his administrative duties. The Chief Conservator was expected and is expected to busy himself in increasing the commercial activities of the department.

In 1922, the first Minister, the then Mr. Chunilal Mehta, took some interest and started many operations in the Dangs. He went over to Sind. had conversations with the North Western Railway and many other private consumers of timber with the idea of disposing of the timber lying in Government forests. He seemed to have entered into negotiations with the G. I. P. Railway through the then Chief Conservator (Mr. Copleston), and particularly with the Madras and Southern Mahratta Railway to see whether they could buy their timber for sleepers, etc., from the Bombay forests. That interest, however, appears to have evaporated since then and nothing seems to have been done to increase the assets or to increase the productive value of the timber that is available in our forests. For that purpose a Saw Doctor was introduced. For that purpose other operations in the Dangs were taken up. Everything was done with the single view of making the income from the forests a regular productive asset for this presidency.

If you turn to the figures of income and expenditure, you will be able to see whether the department can continue to exist without any improvement. Turn to page 2 of the Blue Book where you will see the following figures of revenue :—

				Rs.
1923-24	..	..	..	71½ lakhs.
1924-25	..	..	..	73 ..
1925-26	..	..	..	75½ ..
1926-27	..	..	..	76½ ..
1927-28	..	..	..	73 ..
1928-29	..	..	..	73 ..
1929-30	..	..	..	73 ..

For the last three years the actual and the estimated income has been confined to 73 lakhs. and it was only in the year 1926-27 that the income rose to 76 lakhs which never intended to rise again. No effort seems to have been made to show whether any new schemes are under consideration : we do not find any mention of such schemes either in the report or in the blue book or in any press-note or in any Government Gazette or in any note to the Legislative Council, and nowhere is there

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any indication given as to what efforts are being made to increase this stagnant income of 73 lakhs, which in 1923-24 was also 71½ lakhs. It is clear that from 1925-26 when the income was 75½ lakhs and 1926-27 when the income rose to 76½ lakhs, this income has dwindled to 73 lakhs for the years succeeding 1926-27. The expenditure (that is the beauty of it) remains also equally constant. Looking to the expenditure you have in 1923-24, 43·5 lakhs as against 71½; in 1924-25, 40 lakhs against 73 lakhs; in 1925-26, 41 lakhs and in 1926-27, 41 lakhs; in 1927-28, 40·6 lakhs; in 1928-29, 43 lakhs, and in the present (current) year 43·15 lakhs. So that, during the last two or three years the expenditure ranges between Rs. 41 lakhs and Rs. 43 lakhs, while the income has stopped at Rs. 73 lakhs. Therefore, ever since the Reformed Council came into existence, the proportion of the expenditure to income has ranged between 55 per cent. to 60 per cent. That is to say, out of the income that we can produce from a commercial department like the Forest Department 55 to 60 per cent. is absorbed by expenditure, without absolutely any effort for increasing the revenue; on the other hand, there has been a decrease of revenue. The proportion of expenditure has not increased with an increase in the revenue, but in the last two years with a decrease of revenue the expenditure has increased, and the proportion of the expenditure is maintained between 55 and 60 per cent. of the income. Now, is it not the duty of the Honourable Minister to take away the Chief Conservator of Forests, who is now allowed to exist entirely for the administrative work of the department, and make a Commercial Secretary for himself, who can look into the commercial side of this department and take the necessary steps in the direction of increasing the revenue? The department has been neglected so far as its productivity and its commercial side are concerned. The post of Chief Conservator was created—I am fully aware of it as it came out in the proceedings of the Retrenchment Committee—for a commercial purpose, for co-ordinating the commercial activities of the department. His existence must be taken advantage of to look into this department, and that is what is absolutely necessary for the well-being of this particular department which, in Burma as well as in the Presidency proper, is really a productive asset. This is so far as the general income is concerned; but even looking to the income from timber extraction, either by private agency or by Government, we find from page 69 of the White Book that the expenditure on timber extraction has gone up to 11·12 lakhs, while the quantity of timber that is expected to be produced is retained at 22·59 lakhs. That is to say, the expenditure of the year before was Rs. 10,75,000 and the income was Rs. 22,87,000. This year there is a provision for expenditure of Rs. 11,12,000 for an income of Rs. 22,59,000. So that, with an increasing expenditure for extraction, there is a decreasing figure for revenue. This would be a very serious state of affairs in any commercial department or firm, to go on increasing expenditure on a portion of the working which gives you less and less income every year. Looking to the outturn of sandal wood, which is a

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special item here, while the expenditure on the extraction of sandal wood goes on increasing, the income goes on decreasing. These are all matters which have to be looked into. There is no member on the non-official side who will not wish this department to advance. This, like the Revenue Department, is a productive department. There is no reason why a pre-idency in which we have forests like the Kanara forests, in which we have even sandal wood, first class teak and many other kinds of timber for commercial uses, should not, like Burma, make an income of a crore of rupees, which could be utilised for expenditure on other public utility departments. Certainly, it cannot be denied that the commercial administration of the department should be the subject of care on the part of the Honourable Minister, and he should exact the full measure of duty from an officer whose post was specially created for that purpose. That officer who should give his special attention to it is the Chief Conservator of Forests. With these remarks, I hope that the present Minister will turn his attention to the commercial aspect of the department, as was done in 1921-22, and that next year we shall hear a better story of the production by this department.

Rao Sahab D. P. DESAI (Kaira District) : Sir, as the forest policy is being discussed, I too would like to make certain suggestions to the Honourable Minister.

The Honourable Mr. B. V. JADHAV : Have you got any forests in Kaira ?

Rao Sahab D. P. DESAI : No. But in Gujarat there are forests. I perfectly agree with the mover of this motion and with the honourable member from Sukkur that we have been financially mismanaging the forests. I have been bringing it to the notice of the Honourable Ministers that, as a matter of fact, we are sharing our forests with the establishments. Show me any department either of a commercial firm or of a Government in which the expenditure side is almost to the extent of 50 per cent. of the income. Show me a department which gives to the State a net profit of only Rs. 30 lakhs, with an expenditure of 50 per cent ? The revenue may be about Rs. 80 lakhs or Rs. 75 lakhs, but the net income to the State does not go more than about Rs. 30 lakhs or so. We are now in the ninth year of the Reformed Council, and I bring that fact again to the notice of the Honourable Minister. I would also like to tell him that it is no use maintaining a huge army of experts, experts who can do nothing to increase the revenue. Why should you have such a huge army of experts who are practically not experts and share your forests with them ? I would rather like—and that suggestion was also made once before—that they should make some arrangements with the villagers themselves by which every village would manage its own forests and hand over to the Government the revenues, on the land revenue principle.

The Honourable Mr. B. V. JADHAV : Is the honourable member very serious in this suggestion ?

Rao Sahab D. P. DESAI : Why not ? Of course, I say that care should be taken that the forests are not denuded. Forests, as a matter of fact, were the property of these villages. They were encroached upon and confiscated by the State. If you read Rogers, you will find that the bare hills round about Poona were covered with forests, but now they are bare. That is why I make this suggestion as a very serious suggestion. Instead of harassing the villagers, instead of putting a lot of obstacles in their way, a far better course would be to realise about Rs. 40 lakhs net from those villagers, and hand over the forests to them. A population which ought to be thriving, which ought to be prosperous, is now, at this moment, the poorest of the whole population. When they are living in the midst of so much wealth, they must be more well-to-do than those who live on the plains. Why should Government in season and out of season say that this presidency is rich in its forests ? Why should they make such a statement when actually they get about 30 lakhs and the people living in the forest areas are living from hand to mouth. Instead of making the people living in forest areas suffer like that, I think it would be better to hand over the forests to the people themselves. I make this suggestion seriously. I hope the Honourable Minister, if he is not able to alter the present policy, would adopt the policy I suggest which would be better than the present policy which gives the State very little income.

I had already stated to the predecessor of the present Minister in charge that the best course to develop the forests would be to have a forest survey, I mean a survey by forest experts. The present forest experts belong to the same old school of 1850 and 1870. I ask Government to say whether during the last so many years they have made any standardization of plantation. There is none. You allow the rank growth in the forests just to come up and farm it out or give it out to contractors or exploit these forests by your own agency. You do not work your forests either on the German lines or French lines of planting economic trees in regular groups so that these trees may yield great profits with least costs. In the matter of management, in the matter of superintendence and in all these the cost must be as little as possible and you can realise profit out of it. But Government would like to stick to their old habits and their departments whose officers as much as Government adhere to red tapism, move in the old rut without looking to the progress made in the United States of America or Germany in the matter of forest administration. If you want to maintain a huge army do so, but let that huge army be composed of experts who must have a good knowledge of chemistry and forest industries.

The Honourable Mr. B. V. JADHAV : May I enquire whether the honourable member wants all experts from round guards upwards ?

Rao Sahab D. P. DESAI : I am speaking of those people who are drawing Rs. 1,000, Rs. 1,200, Rs. 3,000 and so on.

These forest chemists you can get for Rs. 500 and Rs. 600. They will be able to find out for instance for what purposes myrabolams are used in Europe. They will be able to find out the best use for the forest products with the result that we would not be compelled to export such large

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quantities as we do to-day. Instead of doing that you simply conserve the forest and harass the people. I think it would be far better to hand over these forests to the people whose property they were in pre-British times than continuing the present policy. When these forests belonged to the people by their thrift and by their energy and enterprise they carried on plantations not only in the forests but also on hill tops, as Mr. Rogers says. I think this would be far preferable.

The Honourable Mr. B. V. JADHAV : May I know who Mr. Rogers is ?

Rao Saheb D. P. DESAI : He was a great civil servant. My honourable friend from Kanara has stated that in Kanara Forest wood and timber do not fetch high prices. The honourable member from Kanara told us that every year the Forest Department was encroaching on the lands of the cultivators and that the wild beasts were harassing them. The result has been that the cultivators have been gradually abandoning their fields. In order that these people may again go back and cultivate their fields, why should not these areas or boundaries be handed over to them ? The population per square mile in Kanara is the largest—about 600—on the plains—on the coast side. They have been driven from the hills to the coast, because they do not get the livelihood which they used to get before. Why should you not give those people starving on the coast the land from which you get nothing, so that they will be able to cultivate and get their livelihood ?

The Honourable Mr. B. V. JADHAV : Let the honourable member just consult the honourable member from Kanara.

Mr. M. D. KARKI : I quite agree with him.

Rao Saheb D. P. DESAI : Why should not these people be provided with sufficient land from the jungle from which Government get no income according to what the honourable member stated ? In Panch Mahals the same condition prevails. There are many unprofitable plots from which Government get nothing. These plots can be handed over to the people. At present Government have to incur an expenditure on an establishment to look after those plots even though they do not get any income out of it. A commercial firm would part with such unprofitable plots as early as possible. Hand over such unprofitable lands to the people of the neighbouring villages and keep the profitable portion of the forests and exploit them. If you do that, the revenue from the forests will be much more than what it is to-day.

I myself made some enquiries about the forests in Kanara. I learnt that there is a river whose name I do not remember. You can create water power for working the forests and bring that power from inside the forests to the coast for bittern industry. (Interruption). Of course investigation should be made by Government officers. I cannot do it. Of course a gentleman told me that there is a navigable river and I have verified it since. After all, these things do require investigation on the part of the Honourable Minister. If they go on laughing out such proposals, then I do not see any hope for the forests or for the villagers.

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residing in those forests. So long as the red-tapism of this Government continues, I do not think the condition of the villagers residing in the forests or of the people of rural areas will improve.

There is again the question of the honey industry. Its possibilities require to be gone into. The present type has to be tested and an examination made whether the quality may be improved or not. It is an exportable produce ; and while other countries are exporting a lot of this article to Europe, we are not doing it although we have large forests. It is for Government to enquire into this. Then, again, there is the lacquer industry. We can introduce it in our forests. and that is not being done.

I would again request the Honourable Minister to keep under him industrial experts rather than the present ignorant forest experts. He should rather keep under him some industrial officer the Chief Conservator of Forests. Where was the necessity for a Chief Conservator of Forests? Was not the Revenue Member co-ordinating the activities of the different divisions? The fact is that Government did not like to have the Minister to dictate the policy as regards forests, and so at the time these reforms were being introduced they created that appointment on a salary of Rs. 3,000 in order to counteract the opinion of the Minister. If the Honourable Minister wants to act independently, if he wants to act up to the suggestions made in the Council, then, for heaven's sake, let him do away with the post of Chief Conservator of Forests. The Chief Conservator is much in the same position as the Commissioners of Divisions in the Revenue Department: they always come in the way of progress and better government and bring the British rule into disrepute.

Mr. M. G. BHOSLE (West Khandesh) (Addressed the House in Marathi): Sir, I give my support to the motion which Mr. Karki, (member for Karwar) has brought forward. The reasons therefor are: Day by day Government is increasing the grazing fee in forests, and by creating distinctions such as forest and non-forest (lands), they are acting in such a way as to increase the burden of taxation on the agriculturists to the maximum. Formerly the grazing fee was only 1 anna, but now it is charged at the rate of annas 2, annas 4, annas 8 and at some places even at Re. 1.

The Honourable Mr. B. V. JADHAV: Will you be able to prove that Re. 1 is charged?

Mr. M. G. BHOSLE: I have received complaints to the effect that (in my district) at some places, if the villagers for some reason or other fail to go to extinguish forest-fires, then their names are reported and their cattle are charged fees at the rate of one rupee per head of cattle.

Sir, distinctions such as forest and non-forest (lands) are invidious. Thus, an agriculturist of a non-forest village though he has lands in a forest-village (he has to pay grazing fee) simply because he does not reside in a forest village and this process of squeezing the agriculturist's dry is going on.

[Mr. M. G. Bhosle]

Sir, at some places, reserved (forest lands) have no fencing, but only stone boundary mounds are erected. The herdsmen being ignorant (it so happens that) while they are grazing their cattle in some one's field near the reserved portion and if some 2 or 4 cattle stray into the reserved portion, the whole herd of cattle of the herdsmen (numbering 25 to 30) is at once impounded and thus for the sake of 1 or 2 stray cattle, he has to pay to the pound-keeper fine to the tune of Rs. 100—200 and at times, even if the cattle be standing out (of the reserved portion) they are purposely impounded.

The Honourable Mr. B. V. JADHAV : Can you cite an example of such wrongful impounding ?

Mr. M. G. BHOSLE : Yes, such incidents have taken place at the village of Dhamnar in my taluka. But, as at some places, villagers fail to come forward to give evidence owing to the fear of Forest (officials), I cannot give definite instance.

Sir, owing to such state of things, besides the impounding of cattle, the agriculturists have at times to pay fine of nearly 5 or 6 rupees per cattle-head. In this way, if the cattle get impounded, (say) for 3 or 4 times (the release of the cattle after paying the fine) is as good (to the agriculturists) as buying them again.

Sir, suppose if an agriculturist, while in his field requires wood for erecting sheds (therein, and (takes it from the forest) he is at once prosecuted.

Cattle are not allowed to graze in forests from April to the end of June. This permission should be given as it is very necessary. For in summer grass cannot be had elsewhere, and so cattle have to be taken to the forests for grazing purposes. At this time (of the year), no grass really remains in forest lands worth cutting and carting and thus the government would not suffer any loss thereby, hence the villagers will really bless Government if this permission is kindly granted.

The Head Quarters of Forest officials being at a long distance the agriculturists are put to great trouble to get the (Forest) passes (issued to them). The Forest officer is required to be on tour and he can seldom be found at one place. Hence, it is requested that the Village-Patils and Talatias be authorised to issue permits to villagers to take away thorny shrubs, grass and wood from (forest) numbers of private ownership.

Forests abounding in grass have no (regular) cart-roads leading to them ; and as Government stands much to gain by this trade of grass, good cart roads are absolutely necessary and should be constructed.

Government had appointed a Forest Committee. The said committee had by a majority made certain recommendations, which did not receive as much sympathetic consideration at the hands of Government as they deserved.

I hope Government would take into consideration the suggestions I have advanced. With these words I resume my seat.

Mr. G. LAIRD-McGREGOR : Sir, I am sorry that I was unfortunately away during part of the speech of the honourable member from Kanara, and that like the honourable the Settlement Commissioner I can only catch about one-tenth of what is said by the honourable members on the opposite benches. One remark that he made was that the Forest Department had lost good customers. The fact is that the Maras and Southern Maratha Railway use Bengal coal in their engines because they believe it to be more economical. Another remark that he made was about some Kanerinala scheme being washed away in the rainy season. This was a scheme for supplying a head of water for the exploitation of otherwise inaccessible teak forest. I do not think that the experiment was a waste of money. It was an experiment, and it may or may not have been a success. I have not been in touch with Kanara for 20 years and cannot say whether it was a success or not. Another suggestion that was made by the honourable member from Surat was that the population was being driven out because of the activities of the Forest Department, and also by the animals such as tigers, panthers, etc., which were driving out the population from the forest villages. I must say that it is neither the tiger nor the panther nor the elephant nor the pig but the mosquito which is responsible for it. It is malaria which is driving out the people. Another remark that he made was that an examination should be made of the navigable rivers. He told us that some of the rivers were inaccessible to steamers. None of the Bombay Steam Navigation steamers enter a single river in the Kanara district.

He also spoke about utilising the water power for industries. I know there was a survey made of the water power in Kanara and the Tata Company had secured an option on the Gersoppa falls. Lord Curzon when he visited these falls wrote a very strong minute against the natural beauty of the falls being spoilt by industrial enterprise. Apart from this, there is the question that the falls are situated partly in British and partly in Mysore Territory. If that question could be settled, the next question would be of utilising the water power of the falls, which are the highest in India. On the other hand on account of the very sparse population in Kanara and the absence of established industries, it will be absolutely a waste of money and time to make it a practical proposition, to spend money on developing power schemes and having nowhere to sell your power. The honourable member also remarked about honey. Now there are many honey trees in Kanara. It is an interesting fact that once in seven years the normal contract bid is doubled. The reason of this is that a shrub called Karvi flowers every 7 years and this fact is known to the local people. But the bulk of the honey produced is poisonous, and does not reach the standard of the honey that commands a market in Europe. But I may say that I get jungle honey from a friend of mine and I like it very much. The honourable member from Kanara also suggested that the Forest uniforms should be made of khaddar. If khaddar were an economical as well as a cheap line in cloth I could have no objection to its adoption. But it is a loosely woven material and anybody who has done shikar in the Kanara



[Mr. G. Laird-MacGregor]

Forests knows that khaddar would never stand against thorns ; what is wanted is a closely woven material.

Mr. SYED MIRAN MUHAMMAD SHAH (Hyderabad District) : Sir, in supporting the cut, I would like to draw the attention of this honourable House to the grievances of the Forest Department in Sind, to which I belong. Very little has been referred to Sind because it is not a country of forests. I do not know why forests are being maintained in Sind. They may be good for scientific reasons, but they are not a source of revenue to Government so far as my knowledge goes. It is only the presidency which is a tract of forests and a proper source for exploitation. Looking at the figures that have been recently referred to by my honourable friend from Sukkur, we see that the items of revenue are very low ; since the last nine years, there has been very little increase in the income of the Forest Department, while if you look at the figures of expenditure, there has always been an increase in expenditure. Sir, in Sind, this Forest Department, instead of being a source of income to the Government, has been a real source of grievance and harassment to the poor agriculturist. Recently also the grazing charges have been raised in Sind. Sind is purely an agricultural province though there are many industries lying in the corner which Government does not care to develop. These indigenous industries will give a very good return to the Government, but they have been trying to fall upon other sources like the raising of fees of the students in the Educational Department or raising the assessment in the Agricultural Department or raising the grazing fees in the Forest Department. This is squeezing the blood out of people. This is not looking after the income or looking after people's comforts, which is the chief responsibility of the Government.

Now, Sir, if I draw your attention to the conditions of Sind, this recent frost and the scarcity of rain since last year have raised a question of scarcity of fodder. It is really the cattle on which the development of agriculture depends. Already the question is being investigated in Sind in the Sukkur Barrage as regards the development of the quadrupeds and the cattle in order to bring under the plough the huge expanse of land which is going to be disposed of at a very huge cost. Sir, taking into consideration these things, when a committee is deliberating on the development and the improvement of breeding of cattle, in spite of that, the agricultural cattle is not receiving so much attention from the Forest Department which it ought to. When the Forest Department in Sind does not form the chief source of revenue to Government, why not confer facilities on agriculturists for grazing of cattle in their hour of need ? Sir, there are so many other grievances of the people who graze the cattle in the Sind forests. It is really a source of corruption also. Nobody's attention might have been drawn to this very ostensibly meek and humble department in which people might think no corruption is going on. But I assure you, Sir, it is really a source of livelihood to the rangers and to the forest guard, when everything is available for him at a gesture of his finger. Sir, as regards the plots within the area of forests,

[Mr. Syed Miran Muhammad Shah]

they are also being used as a source of increasing establishment in the Forest Department,—this unwieldy establishment, which is already breaking the backbone of the Government. These plots instead of being maintained and being administered by the Forest Department ought to be transferred to the Revenue Department, so that the Government will be in a position to apply the axe of retrenchment even on this department. I really tell you there is no need of the huge staff which is being maintained at least in the Sind division. There is no necessity of maintaining even the rangers. The forest guard and the jamadar are quite enough, and the divisional forest officers can look after them. There is no need for establishment of such a huge staff. Why not spend money on the forests in the presidency which form a chief avenue for the development and enhancement of revenue to Government? Even these roads in the forests, I am sure, are meant for the facilities of Government high officers who go and inspect there and also at the same time, just as the last speaker has referred to, in order to provide facilities for shikar for the high officers of the Forest Department. So, in my opinion, there is real chance and there is real ground for developing this industry of forests; while the Government is very apathetic to this department, and is paying very little attention to whether their establishment is working properly or not; and they are not called upon to give reasons why the income is not increasing since so many years while the establishment is being maintained on the same level. I am sure the Honourable Minister will call upon his subordinate staff to account for that and to develop this industry, which will form the chief source of revenue to this Government in future if properly exploited.

Mr. V. N. JOG (Dharwar District): Sir, rightly my honourable friend on the left, the honourable member Mr. Karki, says that his cry has been a cry in the wilderness, and that is very clear from the change in the denomination of the portfolio which the Honourable Minister has been holding. Sir, formerly he was called the Minister for Excise and Forests. Now the Minister has chosen to give up that name and he wants to be called Minister of Agriculture. (The Honourable Mr. B. V. Jadhav: Very strange indeed). If the word "Excise" was not very palatable or agreeable, at least he should have called himself the Minister of Agriculture and Forests: and rightly my honourable friend on the left has complained that the Forest Department has been neglected. Just as agriculture is a national asset in this presidency, as it is for the whole of India, forests are also our national assets, and the Minister should have retained that name and shown that he has got as much care for forests as he has for agriculture.

Now, coming to the question of the department itself, I submit, Sir, that the department is being worked more or less in a most stagnant manner, I must say. It has been several times said in this House that the surplus is always veering round Rs. 30 lakhs or so. Well, Sir, you yourself in one of your speeches have brought this to our notice that if we take the period since the beginning of the reforms, since the reforms have been working, the surplus never goes beyond Rs. 32 lakhs or comes

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below Rs. 28 lakhs or Rs. 27 lakhs. That is what the Government have been doing, and the expenses of this department come nearly to 60 per cent. of the total gross income. That is the way how Government are working the department of forests.

The Honourable Mr. B. V. JADHAV : Is not the agricultural income almost stationary ?

Mr. V. N. JOG : That is quite different. That is not a revenue earning department. You are earning revenue on agriculture, land revenue of Rs. 5 crores and you are not taking into account that figure at all simply because you have got establishment for agriculture. But take agriculture and revenue together, and you will see what is the income from agriculture. Land revenue, I submit, Sir, is profits from agriculture ; Government is sharing the profits according to their own theory.

Then, coming to these figures, we have seen from the administration reports on forests for 1926-27 that the surpluses have been stagnant, and then, even in the surpluses it is not the profit or income really. As my honourable friend has said, we have not taken into account the royalty at all, and if we take that into account, I submit, Sir, that the income is nil perhaps. Then, with respect to the way in which attention has been paid to this department. Just at the time when more attention and care are required to study the forests, the severe problems of the forests, just at that time, Sir, we find that all these superior officers, who should be in the midst of the forests studying the growth of the vegetation and everything, are to be found always away in Dharwar, away from the forests. None of them is staying there in the forests. Even though we have been seeing that good bungalows with good crockery and every furniture are there, these bungalows, though built at a very good cost, have been abandoned and we see for months together these officers staying at Dharwar. That is the way our officers, who are entrusted with the care of the forests, have been taking care of the forests whereas the lower subordinates and the menials are left to take care of the forests. The excuse given is that the weather is inclement and may injure their health. If that is the excuse, what is the good of all those roads which have been constructed at such a huge cost and what is the good of all those bungalows which have been built and furnished at such huge expense ? They have been built in order that the superior heads of the forest department may live on the spot and look after and conserve the very valuable assets which we possess in these forests. But we in fact find that the superior heads leave their subordinates to do as they like and there being no proper control or supervision, these subordinates think that they can well let their enthusiasm and zeal slacken.

With respect to the actual remedy to be taken, there have been several suggestions made from time to time showing how the existing defects could be remedied. You may remember, Sir, that there were conferences of rangers held and there were resolutions passed at such conferences. We have seen the fate of these conferences and resolutions. We have

[Mr. V. N. Jog]

seen that after a certain number of years the conferences were stopped and why? The reason seems to me to be that these rangers who were in actual touch with the working of their various charges, discussed the various important problems, suggested also remedies to improve the administration of forest and also complained with regard to the treatment they were receiving at the hands of their superiors or with regard to their pay and promotion and also their conveniences. They were dealing with problems which would have been useful for the advancement of the Forests. You, Sir, know that these conferences were stopped and the result is that we are not progressing at all.

From the point of view of discipline of subordinates complaining about their superiors without communicating to the superiors their grievances and giving them an opportunity of redressing them, some suitable remedy might have been found to meet the situation without taking the drastic step of discontinuing the conferences of the rangers. If these conferences had been continued we could have learnt something of the defects of the forests and the way in which they required to be administered and remedies could have been found out to better the prospects of the Forests income.

Another thing which I would like to refer to in this connection is the way in which these services have been strengthened. I beg to refer to the question of Indianisation of the services. I submit that in this department, though it is a transferred department, Indianisation has been going on very slowly. No doubt there might be rules laid down by the Secretary of State with regard to superior services, but we have been seeing that in this department men in the provincial service have not been given a fair chance to rise. You know that in the Southern Circle there was, since the retirement of Rao Bahadur Hemmadi, a post which for some reason or other has not been filled and no other Indian has been given any chance to fill it. Similar complaint was made by my honourable friend from Satara and I submit that the Honourable the Minister will see that Indianisation makes some progress.....

The Honourable Mr. B. V. JADHAV: What complaint?

Mr. V. N. JOG: At the time of the budget speech, it was pressed that Indianisation has been neglected in this department.

With regard to the waste which has been taking place in this department, my honourable friend has very succinctly brought to the notice of the House the various instances of extravagance.

Another point I would like to refer to is, what are we doing to conserve this valuable asset, viz. forests. No doubt, extraction and exploitation of forests has been going on, but are we supplanting or replenishing the forests with the same speed and efficiency as we are extracting? If you go on exploiting the forests without taking precautions to replenish them by some well-planned methods, I submit that even these assets which we now possess will in the long run go to waste and there will be no substitute for them.

[Mr. V. N. Jog]

My honourable friend the Commissioner, Southern Division, gave his experience of 20 years ago when he was in Kanara and said that Khaddar was not at all suitable for the uniforms of the forest menials because it was not durable and was liable to be torn and that it would not stand the stress of wear and tear. I submit, with the little experience of Khaddar which I have, that Khaddar will be the best substitute and would wear well. Twenty years ago Khaddar had not made such progress that it has made now and we now can get very durable Khaddar.....

The Honourable MOULVI RAFIUDDIN AHMAD : Does the honourable member wear Khaddar ?

Mr. V. N. JOG : Yes, I do.

I submit that Khaddar should be given a trial in this department, as has been already suggested.

It was suggested that no use could be made of the rivers for producing power because there was no population living there. The honourable member the Commissioner, Southern Division, said that on account of paucity of population, the rivers in the Karnatak could not be harnessed to produce power for the use of industries. He also referred to the Warda river and the other rivers which join the Krishna river. But what have they done to harness these rivers in the Karnatak ? Our complaint has always been that no big schemes of irrigation have been taken in hand in the Karnatak, although Government have been spending huge sums of money on irrigation schemes in the Deccan and in Sind. We have of course something done in connection with the river Ghataprabha, but there the scheme stopped. I submit that even with respect to the Warda and the Tungabhadra rivers, Government has not paid any attention to the need for having irrigation schemes, with the result that that part of the country from which my honourable friend, myself and you, Sir, come has been all along neglected and Government has been treating us in a step-motherly fashion. With these remarks, I submit that the motion which my honourable friend has placed before this House should be carried.

Mr. B. T. DESAI (Bombay City, South) : Sir, the cry of the people with regard to reforms in the administration of the Forest Department is a cry in the wilderness, and so far we can congratulate the Government benches for allowing it to remain a cry in the wilderness. But they do not admit that. They say that they are going in for reforms, and though no reforms have been made, they put forward some argument as a make-believe to show that something is done. But, Sir, may I ask the Government what has been done with regard to the remedies which the Forest Committee suggested ? A committee was appointed, consisting of officials and non-officials, and a report was submitted on the 3rd of August 1926. There the officials and non-officials differ very widely, and I now want to know from the Honourable Minister in charge of this portfolio whether any effect has been given to the suggestions that have been made by the non-official members.

The Honourable Mr. B. V. JADHAV : If my honourable friend will allow me, I may bring to his notice that Resolution No. 7324/24 was published on the 19th of July 1927, and a copy of that Resolution has been placed on the Council table.

Mr. B. T. DESAI : That does not bring us any nearer with regard to the reforms.

The Honourable Mr. B. V. JADHAV : In that Resolution each and every suggestion of the Forest Grievances Committee has been taken into consideration, and it has been fully stated what suggestions have been brought into operation.

Mr. B. T. DESAI : I would ask a very definite question to the Honourable Minister, and his reply will show whether our cry is really a cry in the wilderness. I would first take the question of grazing. Let the Honourable Minister inform us what he has done with regard to that, or what he proposes to do even now. It has been pointed out that the income from grazing has increased frightfully. The report says that in 1920-21 it was Rs. 2,79,840, in 1921-22 it was Rs. 3,17,408, in 1922-23 it was Rs. 4,74,804, and in 1923-24 it was Rs. 5,21,835. From 1921 to 1924 it has increased by 200 per cent. Why have such exorbitant fees been levied ? The committee suggested that this must be looked into. The committee also suggests that the fees for various kinds of forest produce such as grass, anjan leaves, thorns, fuel, kilchan, stones, etc. which have been recently increased should be brought down at least to their original level, if not lower still. I ask a pointed question to the Honourable Minister in charge : what has he done in this regard ? Has he decreased the fees ? Has he accepted the suggestions that were made to him ?

The Honourable Mr. B. V. JADHAV : I would request the honourable member to read the Resolution, a copy of which will be found in the Library.

Mr. B. T. DESAI : The Resolution may be anything, but I want to know whether anything has been done. What is the use of these paper resolutions ? It is absolute camouflage and nothing more, if you do not act up to the resolutions that you have passed. So, I again ask the Honourable Minister "Have you decreased the fees at all, and if so to what extent ?" That, I think, is the acid test to which all these resolutions can be put. The real question is whether the resolutions are given effect to. My information is that nothing has been done on the subject. Of course the suggestions that have been put forward may be accepted on paper, but they are not accepted in practice, and as long as that is not done, it is of no use. Therefore, I challenge the Honourable Minister to tell me and the House to what extent he has reduced the fees.

The other point that has been suggested in the report is with regard to grazing area. I am told that nothing has been done with regard to this. The report says that the grazing area is hardly sufficient in many places, and the suggestion is that it should not be less than 2 acres per head of cattle. They also say that in Jalgaon, Jamner, Edalabad and Chalisgaon Ranges the acreage per head of cattle is 1.42, 1.22, 1.01 and

[Mr. B. T. Desai:]

0·99, respectively. The committee recommends that the grazing area should be 2 acres per head of cattle, and here are the miserable figures of 1·42, 1·22, 1·01 and 0·99, which is 1·1 acres, less. What has the Honourable Minister done with regard to this? Has he improved the acreage. Has he added to the grazing units more acres than there were formerly. Of course, the reply is, no and an emphatic no. But the Honourable Minister would come forward and say "Oh, yes, we have passed a resolution, you do not know; it is in the book". May I ask him, what is the use of this resolution? Has he the courage to act up to it? If he really feels that it ought to be adopted, and I have not the least doubt that it ought to be adopted, it must be adopted at once. It is no use passing paper resolutions, which I say is absolute camouflage. Further on the report says: "we urge upon the attention of the Government to devise means to allow sufficient grazing area in all places." Therefore, so far as grazing and grazing areas are concerned, urgent reform is necessary. There is a constant cry from the people that they have not got sufficient cattle, and the agriculturist depends to a very great extent upon his cattle. Of course, the other day, when the revenue policy was being discussed it was stated on behalf of the Government that annewari is to be calculated on fodder also, because cattle feed on the fodder, buffaloes and cows give milk, and that gives the people money. They turned round at that time, but when the question of grazing and grazing units comes up, we see from the figures that the area has been decreased to a miserably low size, it is difficult for the poor people to maintain their cattle and to give increased fees for grazing. What has the Government to say to that? Are they helping the breeding of cattle? Are they helping the agriculturists and others in maintaining a sufficient number of cattle? Can it not be said that they have been indirectly the slaughterers of these cattle, by not allowing them sufficient grazing area and charging grazing fees to such an extent that the owner cannot pay them? I charge the Government that by doing this they have deliberately done harm to Indian cattle, and the sin of that will remain on the head of the Government till these grievances are not removed. Well, Sir, the shortage of cattle has created havoc so far as the physique of the people is concerned. People have not been getting a supply of pure milk and pure ghee, which are the principal articles of diet so far as Indians are concerned. Of course with regard to ghee and other things many things have been stated and that is not the point on which I would speak. Still I would speak on this point and with great emphasis that it is the duty of Government to see that the cattle are not deprived of their ordinary fodder and that it is the duty of the Government to provide more than 2 acres of land per unit, though the committee has recommended only two acres, in order that the agriculturists may maintain enough number of cattle for their agricultural operations.

With regard to anjan leaves, may I know from the Honourable Minister as to what has been done since he accepted the resolution passed

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in this Council. The grievance is that the grazing fees have been almost doubled. These figures have been given by the committee. They say that the rate per cart load of anjan leaves per month has been increased from Rs. 30 to Rs. 60. What is the justification for Government to do so except that they have got the arbitrary power to tax anything in any way they like? It is further stated in the report that the method of collecting is most undesirable. They say :

" Besides the method of collecting monthly fees per cartload works hard with the agriculturists. Cases of such hardships often occur and they are bitterly resented. For instance, an agriculturist pays the fees, Rs. 30 or 60 as they may be, for a month per cart load but he works for a few days and heavy rain sets in. In such cases, he cannot visit the forests in the rains and has necessarily to forego the removal of anjan leaves during those days. We noticed cases in which people paid Rs. 60 for a month but could work only for a week."

Is it not fair for Government to compensate people in such cases? They go to compensate big contractors in the Development Department, on the ground of their having sustained big losses. May I ask the Honourable Minister in charge what he has done to compensate these people? I know nothing has been done. There is a suggestion made by the Committee that during May, June and July it is imperative that anjan leaves should be allowed to be taken away almost free of any charges. Without going into further details, these things are quite sufficient to condemn the present policy of Government with regard to the management of forests. I would ask Government if they want to have the goodwill of the people and the agriculturists the sooner they put into force the recommendations made by the committee the better for them. Otherwise they will lose their goodwill.

Mr. N. A. BECHAR (Karachi City) : Mr. President, Sir, I do not know whether the debates we are carrying on from day to day, or rather from year to year, when the budget is presented to us yield good results. We are in the forests while we are discussing the forests. (Interruption.) We are in the forests in the true sense, though not actually, because whatever suggestions we make, hardly any of them yield any results from the Treasury Benches. The Honourable Minister in charge of the portfolio takes the greatest pride in calling himself an agriculturist and always claims to speak on behalf of the poor backward classes who constitute 95 per cent. of the population of the Bombay presidency. If a conference of the people on whose behalf he claims to speak is called today, I may assure him, they will either tell him that they do not approve of his actions and if he still persists in them they will disown him. The Bombay Presidency Association which is largely an association with membership in the Bombay city itself have taken great pains in submitting to Government a memorandum giving full details about the grievances of the poor cultivators in the rural areas. They have shown how the Government in order that they should get more revenue have raised the grazing fees from 2 annas to 4 annas in spite of the solemn pledge they gave in 1908 or 1909 as a result of persistent agitation that they would not raise the fees which they have raised from 2 annas to 4 annas in the year 1923-24.



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Coming to the question of minor forests, we find that most of the officers spend a large portion of their time in administering some kind of rotten justice and in tyrannising the poor people in the villages with the result that these poor people regard the forests as the greatest curse to the village community. The civilized government is inflicting a barbarous punishment upon the poor innocent people, in spite of the fact that they have nothing to do with any fire in the forests. Because a fire takes place, the whole village community is penalised and their grazing charges are raised to 4, 5 or 6 times. Sir, I would request the Honourable Minister in charge of Forests to take a leaf from the book of the Minister of Forests in the Madras presidency. In the Madras presidency the minor forests are not administered by Government but are administered by small forest panchayats. They have got rules and regulations and Government have given them so much facility that the administration runs smoothly : on the other hand the problem is very acute in this presidency. So, I would request the Honourable Minister to at least send some people to study the system they have introduced in Madras in order that that system may be introduced in our presidency.

The Honourable Mr. B. V. JADHAV : I may inform the honourable member that the system of forest panchayats has been introduced.

Mr. M. D. KARKI : It is not encouraged. It is only for name's sake.

Mr. N. A. BECHAR : They have done it only for name's sake but power to administer the minor forests have not been given to them. If that is given to them, then all the troubles which the poor villagers are suffering from will end. In relation to their Excise policy Government always declare that they are for prohibition, but at the same time they go on inducing the people to drink. In the same way, nominally panchayats are set up but they are discouraged in other ways with the result that people lose all interest in them. Government should do something to create among the people real interest in the panchayats : the people are not going to waste their time attending the panchayats when they know that nothing will come out of the panchayats.

Coming to the question of the destruction of wild animals that carry away the cattle of the villages, a writer, who, I think, must have been an officer of Government in some province in India, makes a complaint in the "Times" of London : He says :

"The depredations of the larger beasts are one of the most serious handicaps that theivot has to face. Hundreds or thousands of plough and milch cattle are carried off every year by tigers and panthers while the number of human beings who fall a prey to man-eaters is still very considerable."

Now, the greatest of the complaints of the poor cultivators is that neither are they being given licenses for guns to enable them to shoot these wild animals that carry away their cattle, nor are Government doing anything to stop their depredations. When Government are not giving licenses for guns to the cultivators, it should follow as a natural corollary that Government should either protect the people from the

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ravages of these animals or give them compensation for the losses sustained by them. But Government neither give licenses nor protect nor compensate the people. On the other hand, what happens is, when these poor villagers happen to go a few paces into the area of reserved forests in pursuit of these wild animals, they are punished for having transgressed into the reserved forest area.

Coming now to the question of the area which is necessary for the purpose of grazing, I understand that a committee of responsible officers was appointed in the United Provinces to go into that matter and that committee have come to the unanimous conclusion that the utmost latitude ought to be given to the villagers for the purpose of grazing, and that the question should be looked at not from the point of view of providing grazing area for a few herds of good cattle but from the point of view of providing grazing for as large a number of animals as possible, because it is cattle that provide the chief manure for the forests as well as for agriculture. On the other hand, the policy of the Government of Bombay seems to be to make revenue out of every sphere of people's life without regard to the earning capacity or the productive capacity of the people. We find that in Madras for every one acre of wet land, two acres of forest lands are given to the people. In this presidency, if you look into the figures you will find that the area is so small that the poor people's very existence which depends upon these agricultural and milch cattle is threatened.

I hope the Honourable Minister for Agriculture will consider sympathetically all these grievances of the poor cultivators. The lakh and a half of rupees which these fees have brought to the coffers of Government is certainly not going to make any very serious difference to Government, but look at the amount of hardship that these people who have not even one meal a day have to suffer! As a sympathetic man, a man who has been brought up among them, the Honourable the Minister ought to feel for these poor people and ought to do something for them. So far as this Council is concerned, it is at his back. Let him take courage in both hands, and tell Government: "This is going to be my policy in the matter of Excise, Agriculture and Forests. If you are prepared to allow me to carry out that policy, I will carry on: If you want me merely to carry out the policy dictated by you, then I will not undertake the job." I hope the Honourable the Minister will take courage in both hands and dictate the policy to Government; the whole of this Council will support him in that behalf. If he cannot do much, let him at least make a gesture and announce his policy with regard to the grievances of these poor agriculturists so far as forests are concerned. I hope he will do something before the term of this Council as well as his own term of office expires.

Mr. N. R. GUNJAL (Addressed the House in Marathi): Mr. President, I support the general cut moved by the honourable member Mr. Karki. The administration of this department results in great hardship to the people. The grievances of the people of my district were brought before the Forest Grievances Enquiry Committee. When the committee

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visited our district, the people of the talukas of Khed and Haveli in groups of 400 and 500 represented their grievances to the committee. The committee heard those grievances, and in their report made certain recommendations to remove them. But Government have not yet taken action on the lines recommended by that committee.

There are various kinds of grievances in my district in regard to these forests. Many honourable members have already referred to the oppressions caused to the people on account of the zooloom of the Forest Department. In Ambegaon and elsewhere in my district, for instance, the forest is very close to the houses of the poor agriculturists. Now, if any of their cattle move only a little from their homes, they directly reach the forest owing to its great proximity, and the forest officials go on prosecuting these poor people for allowing their cattle to stray in the forest or for having trespassed beyond the forest boundary. Therefore, I suggest that Government should keep these forest boundaries a little far off from the poor agriculturists' homes.....

The Honourable Mr. B. V. JADHAV : (in Marathi) : Such orders have been issued formerly and are in force at present.

Mr. N. R. GUNJAL : Well, I am very glad to hear that. Now, Sir, the Honourable Minister says that many complaints or grievances of the people have been removed. But there are so many grievances, and it has not been announced in detail by Government what are all the grievances which they say have been removed. Therefore, they should make a list of all these grievances which are supposed to have been removed, and when the public see that such and such grievances have been so removed, if they are satisfied that that is so, no doubt the Honourable Minister will be deserving their thankfulness and compliments. The agriculturists especially and other people also are at present suffering enormously owing to the forest department policy and rules, and it has led to great discontent among the agriculturists. Now, suppose a peasant has four bullocks which he requires for agricultural purposes, and he wants to keep say four or more other bullocks or other cattle for other use ; he cannot do that because now-a-days in every district and in every taluka you find that it is full of forest and the poor peasant cannot keep or maintain more cattle than is absolutely needed for his agriculture, though he may have great use and benefit from those additional cattle, if he could only keep them. In this debate several honourable members have placed before the House the grievances of the people due to forest policy and methods, and it would be a good idea for the Honourable Minister to clearly explain to the public what grievances he has removed, I mean he should give a sort of list of all those grievances which he says have been removed, and it is no use his merely stating in general terms that many grievances have been redressed ; he should specify them all, and satisfy the people in the matter. If the forest zooloom continues and the agriculturists are not freed from it, I might caution and warn Government that the agriculturists may be forced to take to other measures or steps in the matter. I hope sincerely that Government will be wise in time and will not force these poor people to

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seek other steps or measures for their redress. Now, gurcharan rates have been reduced no doubt to a small extent; they should be still further reduced.

I hope in conclusion that the Forest Department and the Honourable Minister for Forests will pay careful and serious attention to all these matters, and remove the cause of complaints from the public. I have already pointed out many of the grievances prevailing in my district during this debate, and when the Forest Grievances Enquiry Committee was appointed in 1924, all the grievances have been pointed out already by me before that committee also.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi): Sir, up to now the honourable members have put forth grievances regarding their own districts. In the hope that Government after considering their propriety or otherwise will give due consideration to reasonable suggestions, I should like to say a few words to show how the rights of peasants and labourers are, directly or indirectly, being trampled under foot at present in my district owing to the policy followed by the Forest Department. In the talukas such as Sangola, Malshiras, etc., the bark of *Tarvad* trees from the Government forest only is put to auction. Among the conditions of sale the bark of *Tarvad* trees from Government forest only is declared to be for auction. Private lands of the agriculturists or *Inam* lands or *Inam* villages are not included therein. In spite of this, of late *Maktedars* with a view to profiteering have carried on their business by misrepresenting to the people that Government has control over all the *Inam* lands, private lands and also the lands of the agriculturists. They have also got some suits filed and have notified by the beat of drum that many more such suits would be filed. They have, moreover, created difficulties in the way of the agriculturists by compelling to get a pass issued to enable them to sell their *Tarvad* bark. I, therefore, like to suggest that this practice should be put a stop to. Moreover sometimes it so happens that a bully from the village buys all the grass grown on the forest land in the auction sale and begins to harass the villagers to satisfy his private grudge. So proceeds of the auction sale should be collected from the villagers and so all of them will derive equal benefit. At the same time if small irrigation schemes are brought into effect on a larger scale the peasant class would be much benefited. With these words I resume my seat.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to offer a few remarks on the debate about the policy of the Forest Department.

This House has from time to time expressed its views about the Forest grievances and Government is sleeping over those grievances and is doing nothing in the matter. We know that the Forest Grievances Enquiry Committee was appointed to go into this matter. They had a programme of a long tour and visited certain forest areas and made their report, but I do not think that Government have as yet done anything in the matter of the removal of the grievances of the ryots.

The grievances are patent. There has been a great increase in the grazing fees. I am restricting my remarks to the grievances of the ryots

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in my own district of Ahmednagar, which is a famine tract. To relieve the difficulties of the cattle in the Ahmednagar district Government has lent seven lakhs of rupees for the purchase of Kadbi and for storing that Kadbi.....

The Hon'ble Mr. B. V. JADHAV : That is the work of the Famine Department, not the Forest Department.

Mr. N. E. NAVLE : I know it. That kadbi has been stored. Not it has been found out both by Government and by the District Local Board, which was the purchasing agency for the kadbi, that the kadbi scheme is a great failure. My point is that instead of trying to help the poor agriculturists and their cattle in that way, namely, by asking the district local board to purchase and store kadbi, Government did not accept the recommendation of the Committee, namely, the recommendation to reduce the grazing fees. If they had done that—they had ample forests in the Ahmednagar district in the Akola taluka—they would have been able to help to save the cattle of the poor ryots in that district, but they did not accept that recommendation and they tried indirectly to help the ryots by adopting this kadbi scheme which scheme however proved to be a huge failure.

The grievances of the ryots are so many that their narration would be a long story, and I would therefore rather restrict myself to one or two. There are false prosecutions by the round guards and the guards of the Forest Department in forest areas and the ryots are oppressed like anything. It might be said on behalf of Government, "Why not bring evidence to expose these round guards and guards?" It is very difficult for the ryots to prove by evidence on these points, but if Government take into their heads to sympathise with the poor ryots, they can find out these things themselves through their departmental officers and bring the offenders to book. Instead of doing that, they ask the poor ryots, who are already groaning under the oppression, to adduce the evidence which is a very difficult thing to do. The Forest Department ought, therefore, really to adopt a sympathetic attitude towards the poor ryots and unless they do that, I do not think they will be helping really the ryots whose cause and interest they say they have at heart. With these remarks, I resume my seat.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I want to make one suggestion to the Forest Department. I think that department has got in the Bombay Presidency many forests containing timber which could be utilised for the manufacture of matches. The Department of Industries is going to appoint an Industrial Engineer and also an Industrial Chemist and also there is a freshly appointed Director of Industries. The Forest Department should have a survey of the forests and find out whether suitable wood for the manufacture of matches can be found. The manufacture of matches is now an infant industry in this presidency. Many match factories have been established in the suburbs of Bombay and there is one match factory in Ahmedabad and one newly started factory at Umreth. If Government

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are really in earnest about running this department of industries and fostering the establishment of new industries, this is an industry towards which Government must direct their attention. The reason why the Government of Bombay should take care to have this industry fostered in this presidency is that just now the duty that has been imposed on matches that are imported from foreign countries is sufficiently high to enable match factories in this country to be established in this country. Though it is a revenue producing duty, still it is practically working as a protective duty for this industry. It is therefore necessary for Government to come to the aid of the manufacturers of matches by finding out whether suitable timber can be found and by making this suitable timber available to the manufacturers of matches at rates at which they can be able to purchase it in competition with foreign wood that is being imported by them. Most of these match factories import ready-made splints from foreign countries and also wood from outside India. Why should not the Forest Department of the Government of Bombay supply suitable wood from its own forests to these manufacturers and remove the dependence on foreign countries under which these factories have to labour? I think this is the proper time for Government to make some strides in this matter. At the same time there is one danger also from the activities of the new Swedish Combine, the Wimco concern which has established match factories in India in order to crush the industry which is being worked by indigenous persons in indigenous ways and with indigenous capital. The Government of Bombay should extend a helping hand to these small match factories which have been established by Indians with Indian capital and which are being worked with Indian labour. These are the two important directions in which the Honourable the Minister for Forests should work.

At the same time, I must draw the attention of the Honourable the Minister to a very important question about which he has to pay attention. I have of course great experience of the way in which these forests are worked in the Central Provinces and Burma and other places which I have visited and these people are very careful to see that in working the forests and getting income out of them, these forests are not destroyed. They have to take care for replenishing the forests, that is to say, if they cut away some timbers at the present time, they must be able to find out the number of years in which these trees would again grow. Therefore they have to extract only that portion of the timber which would give them a suitable and uniform income. If they exploit the forests at a very rapid rate, the forests will be soon exhausted and if the forests are exhausted, the whole department will fall down. Consequently, it is necessary that great attention should be paid to see that reproduction goes on at the rate at which it should go on. With these few suggestions, I support the cut moved by my honourable friend Mr. Karki.

(After Recess.)

Mr. M. D. KARKI (Kanara District) : Sir, there is a consensus of opinion at least on this side of the House that cattle keeping is becoming more and more difficult on account of the policy adopted by Government in the Forest Department. My statement with regard to that has been supported by so many honourable members representing the rural constituencies in this presidency. Of course, at the time when the whole report was considered, this question, was not so favourably considered. I would request the Honourable Minister to pay special attention to this important subject, a subject which is more important to the agriculturists in their eyes.

Now, with regard to the other grievances, of course nothing has been said against them by the official benches. The honourable member the Revenue Commissioner for the Southern Division stated that Kanara is losing its population not because of the ravages of wild beasts but because of malaria. I do admit that he is in a way right in saying so. But "The Bombay Forests" published by an eminent forest officer will go to show that on account of the ravages of wild beasts, especially the pig, the lovely villages of Kanara are being deserted. Of course, malaria is an important factor in that direction, but the ravages of wild beasts also play a secondary part at least in that matter.

Now, looking to minor forest produce, I think the honourable member the Commissioner of the Southern Division, referred to the honey that is available in the Kanara forests. Of course, there is wide scope for developing that industry, and Government in the Forest Department will find out the ways and means of developing the honey industry in this presidency also.

Now, coming to the khaddar question, of course it has been replied to by my honourable friend representing Dharwar. But I must press the point further, and my submission is that the question of the introduction of khaddar in the Forest Department cannot be trifled away. Khaddar is manufactured in various centres in this presidency, and we all know that very durable khaddar is now available. No attempt was made up till now to find out the utility of khaddar in the Forest Department, but I submit that the Honourable Minister should not lose this opportunity of introducing khaddar for clothing the officers of the Forest Department. A sum of Rs. 44,000 is not a small sum. It will not go into the pockets of the big millowners in the city of Bombay or in Ahmedabad, but will help the poor agriculturists to supplement their income from agriculture. It would be a sort of help to the starving and teeming millions in the countryside. Therefore, I urge this question upon the attention of the Honourable Minister with all the emphasis at my command.

Then I come to one more point. Much has been said about the unwise way in which the department is being worked, that it is not worked to its full advantage, and the question of increasing the revenue from extraction of timber, etc., has not been very seriously considered. I do agree with the honourable members who have spoken on the subject

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that there is a wide scope for Government as well as for the department to see whether the forests cannot be worked on a better commercial basis.

Now, I come to one more point as to the best way of improving communication, and developing and exploiting the forests in various ways. On this subject I would urge upon the attention of the Government and the Honourable Minister to convene a conference of rangers in the presidency. Their knowledge of the local conditions and their actual experience of the forests will go a great way to give a sound lead in this direction. One of my honourable friends stated that the conference of such rangers which was being held were stopped by the Chief Conservator. That ought not to have been done. They in their conferences would be able to tackle so many questions affecting administration, and affecting their own interests in the department. Their suggestions if carried out when they were made would have saved a good deal of loss incurred by the Government. After all they are experienced men on the spot and they will, with their experience give a lead in this direction. That should be done sooner. With these few remarks I resume my seat.

The Honourable Mr. B. V. JADHAV : Sir, I have heard with very great interest the criticism that was levelled against the administration of the Forest Department these two days. According to some the administration of the department is very rotten : and various suggestions have been thrown out for its improvement. I thank all those gentlemen for their valuable suggestions. I may promise that Government will carefully consider such of them as could be found practicable. A good deal of confusion is seen in the minds of honourable members. In the debates I found that the Department of Industries and the Department of Forests have been confounded together. Many of the suggestions offered will have to be carried out by my Honourable colleague to the left. I am quite suré that he will do his best to see how far those suggestions could be given effect to.

As for khaddar I do not think I need say much. I have not tried it for the uniforms. Now I have been trying to get swadeshi cloth for them.

Mr. M. D. KARKI : Let a trial be given.

The Honourable Mr. B. V. JADHAV : As for that I may bring to the notice of my honourable friend from Kanara that the coat I am wearing at present is pure khaddar. But let me tell him that it is neither cheap nor durable. I had to pay a fancy price for it and I do not think it will last half as long as a good English cloth.

Mr. N. A. BECHAR : I will give you khaddar which I guarantee will last for two years.

The Honourable Mr. B. V. JADHAV : I accept that offer. I will make shirts from it. I may inform the House that this question has been engaging the serious attention of the department for the last three months. My honourable friend the Minister for Industries is helping me in that business. We have called in the aid of the Director of



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Industries also ; but he has not been able to advise that pure khaddar is cheaper or is as cheap or as good as foreign cloth.

Mr. J. C. SWAMINARAYAN : Foreign cloth ?

The Honourable Mr. B. V. JADHAV : Yes. Foreign cloth.

Mr. J. C. SWAMINARAYAN : Do you forget the Indian mills at least altogether ?

The Honourable Mr. B. V. JADHAV : We have tried each and every Indian woollen mill. The prices they quoted are not comparable to the prices quoted by Indian merchants who import English woollen goods.

Mr. J. C. SWAMINARAYAN : Are you not prepared to make some sacrifice ?

The Honourable Mr. B. V. JADHAV : There must be some limit to that sacrifice.

Mr. N. A. BECHAR : Has the Director of Industries enquired about the woollen khaddar which is available in Thar and Parkar ? Even Europeans are taking it.

The Honourable Mr. B. V. JADHAV : The Director of Industries belongs to Sind and if anybody is expected to know about the woollen khaddar in Thar and Parkar I think it is he. I may assure the House that both the departments of Education and Agriculture are keen about the encouragement of Indian industries, even at a sacrifice. But there must be a limit to that sacrifice. I do not think that the House will persist any more.

Mr. M. D. KARKI : The cost of khaddar will not exceed the amount provided for clothing.

The Honourable Mr. B. V. JADHAV : I am very sorry that those honourable members who offered remarks about grazing fees are not to be seen in their seats to listen to the replies I am going to give to them. The honourable member for Poona Mr. Gunjal made a complaint that bidders at auctions from Poona come and bid higher than the agriculturists, who are consequently not able to have grass at reasonable rate. I can only say I am sorry for it. Government cannot make any distinction between one bidder and another bidder. If he objects to a particular Irani or Mr. Aspandiar bidding high, and taking the grass to Poona and selling it at a profit, I must say that the grass is a very valuable commodity and fully worth the price paid for. I do not think that Government can come in the way of such a legitimate trade.

A great deal has been made about the setting apart of grazing land for village cattle. I am afraid that a good deal of misunderstanding and confusion has arisen in the minds of honourable members on this question. In every village there is some land set apart which is called *gauran*. It belongs to the village and lies within the village limits. Hitherto nobody has taken any care of that piece of land. There are no trees growing on it ; the cattle stand there ; and injure the surface. What little earth there was is washed away and bare

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stones are exposed. The land has been deteriorating year after year. The poor condition of that land which is now visible is of recent occurrence and provides a very good indication of what the future state of forest land will be if it is given over to the tender care of the villagers. It becomes nobody's business to pay attention to the growth of trees ; common property is the property of no one ; every one is interested in taking advantage of it and generally shifts the duty of taking care on to his neighbour and the neighbour also works on the same principle, and it is nobody's concern to see that the thing is properly preserved.

A good deal of criticism was levelled at the Forest Department on the ground that the forests are reserved and cattle are not allowed to graze in them. I may assure the honourable House that only for about ten years after the cutting of a coupe is that coupe reserved and no cattle is allowed to stray into it. But that after eight or ten years, that coupe along with others are thrown open to cattle for grazing.

Mr. M. D. KARKI : Cattle grazing is impossible after eight years' regeneration.

The Honourable Mr. B. V. JADHAV : A time-limit is fixed of ten years for regeneration ; generally the period after which the trees are cut is forty years ; so that on an average more than 75 per cent. of the forests is always open for grazing.

Mr. M. D. KARKI : That forest is useless for grazing, as no fodder can be had on it.

The Honourable Mr. B. V. JADHAV : What little grass grows there is available : if more grass does not grow, it is not the fault of the Forest Department.

Mr. M. D. KARKI : There is great risk for cattle going into that forest to graze.

The Honourable Mr. B. V. JADHAV : The honourable member is speaking from his experience of Kanara, where there are dense forests. But in other parts of the presidency the forests, as compared to those in Kanara, are only forests in name. I have seen some of the Sind forests. What are the trees there ? The best tree there is *babul*. I am reminded here of a Sanskrit verse—निरस्तपादपे देशे एरंडोऽपि द्रुमायते । In a country devoid of vegetation *erand* is the tree. In the Sind forests, *babul* is the best tree ; it produces the best wood and is remunerative.

Mr. B. G. PAHALAJANI : Mulberry ?

The Honourable Mr. B. V. JADHAV : Mulberry is "thu thu"—useless as timber. Another tree is *sesum* : that is something much better than *babul*. But Government have to take care in Sind even of such trees and they are preserved because they provide timber for the poorer people and they provide fuel for the population. The forests are a great necessity, and if they are handed over to the people as has been demanded by the honourable members, it would be a great calamity to the whole population. Forests once cut under the circumstances proposed in this House will not be regenerated even after a long period.

[Mr. B. V. Jadhav]

I know in the district of Kolaba, to which I belong, the high prices for wood, for fuel and other uses induced the owners of private land to part with their trees. The whole of that coast is denuded now and the owners have not taken care to replant trees once cut down. Generally the owner desires to get as much price for the wood as he can, but he does not take the trouble to plant again. But in forest conservancy replanting and allowing natural growth is very carefully looked after and coupes once cut are brought into full growth in about three or four years. This has been going on for a number of years, and as the forests develop the revenue also will increase.

Some of the honourable members have complained that although the expenditure on forests has remained stationary the income from forests has remained at the same figure without growing. I do not think that the House need expect any large advance in revenue. The prices of timber vary much from year to year. In the boom period following the war, the timber of Kanara brought us very high prices. The prices are now falling down, and therefore the revenue cannot be expected to grow very suddenly. The honourable member the Commissioner for the Southern Division has told you that we have lost a very good customer for our wood, as the Madras and Southern Maratha Railway have been able to purchase coal at a cheaper rate than they were able before. When coal was dear they came to our forests and purchased fuel for their engines. Now they get coal cheaper, and as we cannot reduce the price for our fuel they have taken to the consumption of coal and we have lost a good customer. For the same reason we are unable to compete with steel sleepers. Wooden sleepers are much better and the railways would like to purchase them if they can get them at a reasonable price. I have made enquiries and I learn that steel sleepers are cheaper and therefore the railways are making more and more use of steel sleepers and prefer them to wooden ones.

Mr. B. G. PAHALAJANI : Still wooden sleepers are more common ; Australian wood is used.

The Honourable Mr. B. V. JADHAV : You may say so, but I have seen on the G. I. P. Railway, the North-Western Railway and the B. B. and C. I. Railway that steel sleepers are used and not wooden sleepers.

Mr. M. D. KARKI : Wooden sleepers are more common.

The Honourable Mr. B. V. JADHAV : That is true, but there is the difficulty I pointed out. Our timbers cost us very much and we cannot sell wooden sleepers cheaper, and therefore we cannot compete with iron sleepers. As for the honourable member from Ahmednagar (Mr. Navle) who passed certain remarks about the wastage of, "kadbi", I think he should discuss that matter with the Honourable the Revenue Member. The "kadbi" is stored from the Famine Grant and is looked after by the Revenue Department. But I have to assure him that his suggestion that in order to provide fodder to the cattle during famine years in Ahmednagar the forests should be thrown open has been considered. I may also bring to his notice that that would be perfectly useless because

[Mr. B. V. Jadhav]

in a famine year there would not be any grass for the cattle and the storage of 'kadbi' is the only means to feed the cattle in such hard times.

I am very much obliged to the honourable member from Ahmedabad for his valuable suggestion that trees providing matchwood should be grown. I may assure the honourable member that that has already engaged the attention of the Department. Attempts are being made to grow such trees. But the kinds of trees grown in the Bombay forests are so very few and the wood supplied by them is not very suitable for making splinters. Only a few trees are found suitable and their rearing requires a good deal of time. But if any private owner of such factories will come with a concrete scheme to Government to have land for growing such trees, I may assure the House and the honourable member that the proposal will be considered on its merits. I have consulted a number of officers on this point and they say that the cultivation of the cotton tree "Savri" is not very profitable from the forest revenue point of view. If some of the owners of match factories will require special plantation for them, then I may promise that every facility will be given to them to have such plantations for their own use. The honourable member from Ahmedabad has also suggested that the forests should be replenished from time to time. I may assure him that it is being done. As soon as a coupe is cut down, the natural growth is encouraged, the forest is reserved and no cattle are allowed to roam in it and also care is taken to plant new trees and within a course of forty years we expect there will be a re-cutting.

As for the valuable suggestions made by the honourable member from Kanara, I can say that they are very useful, and I promise him that as soon as I get a copy of his speech, I shall see that it is sent to the Chief Conservator of Forests for report. I may assure the House that the question raised therein will engage my serious consideration. As for the proposals of the Forest Grievances Committee, I may again bring to the notice of this House that Government have considered the proposals and have issued a resolution to which I have referred at an earlier stage of this debate. A copy of that resolution has been placed in the Council Library and has been supplied to each and every member. Of course Government did not see their way to accept all the suggestions, but as everything is not permanent, I may promise the House that if individual members will approach me with particular grievances of particular localities, I shall do my best to see that justice is done. With these remarks, Sir, I thank again the members and trust that the motion will be withdrawn.

Mr. M. D. KARKI (Kanara District): Sir, in view of the assurance given by the Honourable the Minister in charge of Forests that my suggestions would be favourably considered and that the proposals made by the Forest Grievances Committee would engage the attention of the Department, I do not press the motion for the cut, and would beg the leave of the House to withdraw my motion.

Question put and leave granted.

[Mr. M. D. Karki]

Question that a total demand of Rs. 39,06,000 be made under "8. Forest." put and carried.

The Honourable Mr. B. V. JADHAV: I make a demand for Rs. 2,72,000 under "8-A. Forest Capital Outlay charged to Revenue."

Question put and carried.

The Honourable Mr. B. V. JADHAV: I make a demand for Rs. 6,94,000 under "9. Registration."

Question put and carried.

The Honourable Mr. J. L. RIEU: Sir, I move for a demand of Rs. 26,000 under "9-A. Scheduled Taxes."

The Honourable the PRESIDENT: There is a motion by the honourable member Mr. B. T. Desai to omit total demand of Rs. 20,000 on page 26 of the Blue Book. I do not know how he has arrived at the figure 20,000.

Mr. B. T. DESAI: If you refer to page 45, you will find that there is a demand for Rs. 20,000 under "Entertainments Tax."

The Honourable the PRESIDENT: The honourable member has made a motion for a cut of Rs. 20,000. It cannot be the total demand then. The motion for the cut of the total demand is not in order.

Mr. B. T. DESAI (Bombay City, South): Sir, I move:

(Omit Total Demand Rs. 20,000. Entertainments Tax. (Budget page 75).)

Sir, I propose this cut on the ground that the entertainments tax is really coming in various ways, in the way of certain industries. This tax, Sir, I consider to be absolutely unwarranted, and this entertainments tax is imposed on the income that is derived by dramatic companies, cinema companies, principally, and certain concerts which may be held from time to time. Now this tax really falls upon the poor people very heavily. At the same time, this tax has the effect of affecting certain allied industries, industries which are helping and which are necessary for the conduct of dramatic companies as well as cinema companies, and those industries also, Sir, are adversely affected by this tax. The tax really, Sir, brings in Rs. 7,44,000, of course, as is budgeted at present. As this amount is not an amount which could not be collected if the tax on the totalisator is raised, I am in favour of raising the tax on the totalisator, and Government only objects to this cut of mine on the ground that they will lose this revenue of Rs. 7,44,000. I would suggest, and I think it would be a very good suggestion, to raise the tax on totalisator. They have not at present taxed the maximum which the law allows, and if that maximum is taken, then I am quite sure that Rs. 7,44,000 would really be made up from the tax on totalisator, which tax would really do some benefit to the race-going public. I do not propose to speak on that tax at all. So far as the entertainments tax is concerned, I do plead to the Government to abolish it, because, as I have said, it deprives poor people of the many opportunities of entertaining themselves. Even, Sir, these small sums of 8 annas, or 10 annas, or 12 annas are also taxed, and I do not think

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that the Government could justify this position in any way to have a cut from the pockets of the poor people in this manner. The tax, Sir, is added to the price of the ticket and, therefore, it really comes from the pockets of the persons who utilise them and not the persons who conduct the business. But it affects in that way indirectly the income of the proprietors of those dramatic companies. They are affected, Sir, and also other industries, as I have said. Therefore, on the whole, I say this is a very unjust tax and it ought to be abolished. We have got a precedent, Sir, so far as the totalisator is concerned, where this tax was originally imposed and now it is discontinued. I think Government have no reason for discontinuing this tax.

Another thing that I wish to bring to the notice of this House is this, that even the way in which this tax is being collected is also objectionable to a certain extent, because always in many cases the Collector asks for the tax to be paid in advance or to give a deposit in advance. Well, Sir, supposing there is a poor musician who wants to hold a concert, he is likely by miscalculation not to know the correct amount, but he has got to pay the tax in advance, which really depends upon the actual benefit he gets. I do not know why the rules are framed in such a way that the Superintendent always insists upon the deposit before the concert is performed. In that way, the tax imposes a good deal of hardship upon various people. Of course, really, if any instance is required, I can refer to an instance that happened at Surat. A dramatic company from Bombay had to go away on account of the Curfew Order when it was promulgated during the riots, as no one would come to the play after sunset. Therefore, he took his company to Surat. He wanted to have a license for that place. He had already a license for Bombay from the Bombay authorities. The magistrate at Surat told him he would give a license for a particular place, and for others, he said, "You better wait for eight days; then let me consider." The man made a short stay, and already the police at Bombay had passed.....(interruption).....and, Sir, it is really very hard on people to have to change their place from one place to another and wait for eight days before performing their show. What must be the position of that businessman? Such hardships very rarely come to light and I am glad that that gentleman was bold enough to state all that had happened not to me alone but to other members of the Council here. If things go on in this way and the magistrates are allowed to harass the Companies in this fashion, really the Entertainments Tax would be a very heavy load on these people. Under these circumstances, I would assuredly say that there is no necessity for keeping the Entertainments Tax any longer on the statute book, and I am sure that Government will see its way to remove that tax.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support the motion for omission which has been moved by the honourable member Mr. B. T. Desai.

[Mr. J. C. Swaminarayan]

After this tax has been imposed, the dramatic companies, especially in Gujarat, have had a very bad time. Many companies have gone into liquidation as this tax has pressed very heavily upon them. I do not know what the situation is in the Deccan, but especially in Gujarat this business, on which the bread of thousands of persons such as actors, musicians and so on depends, is being ruined. What happens is this, that a company goes into liquidation; another man comes in, buys it, works it and also loses heavily in the end, and in this way the third man also loses his money. In this manner the death-knell has been struck at this indigenous industry.

The people engaged in the dramatic industry have to work under great hardships. The instance that was mentioned by the honourable mover of the motion was an instance in point. I do not know why dramas which have been licensed to be performed in Bombay should require a fresh license in Surat or Ahmedabad. These companies have to undergo very heavy expenditure when they go from one place to another, and at that time if they are asked by the magistrates to wait for eight days even though their dramas have been deposited regularly and also if information is given to him that the dramas have been already allowed to be played in Bombay, then certainly the result is that the company loses heavily and at the same time Government also loses because out of the proceeds Government would get, if the drama is played, at least 12½ per cent. In that particular case the hardship to which that man was put was very extreme because he had to pay back the money that he took by the sale of tickets. He deposited the dramas on the 13th in the magistrate's court and he expected the permission by the 20th or the 21st. He advertised those plays for the 20th and the 21st. They had full seven days' notice and although he and his clerks waited at the magistrate's court for the whole day, the permission was not granted even up to the day on which the dramas were to be played. He had sold the tickets to persons residing in Broach and other places and the audience came from distance places: he had to pay back the money; the visitors were put to a great loss and at the same time Government also lost its share of the proceeds. Supposing these dramas were played for ten or fifteen days and the company got Rs. 10,000 or Rs. 12,000, in that case Government would have got Rs. 1,500 or Rs. 1,600 in entertainments tax. But on account of the dilatoriness of the magistrate, Government have been put to a loss and at the same time the company has been put to a great loss. In this way people are being tired out in this business.

Let us now look at the matter from another point of view, namely, the educational side of it. In ancient times dramas were performed for the purpose of educating the public, not for the purpose of giving them lewd shows. From olden times this point has been regarded as important. "*Sahitya-Sangita-Kala*," i.e., literature, music and fine arts were regarded as very important in ancient times in India and they have been handed down from generation to generation. So much so that in Gujarat at least there are some communities which are devoted from childhood to death to dramatic art and to this profession. This fact has

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also been recognised in America where you find that cinema shows are being used for imparting education in different branches of learning.....

The Honourable the PRESIDENT: I think the honourable member is dilating upon the etymology of drama and so on. The question here is a very limited one, that a particular company having migrated from here to Surat was not allowed the license for eight days.

Mr. J. C. SWAMINARAYAN: I put it on a general basis, that this industry should not be ruined by the imposition of such a heavy tax because it is a sort of an educational industry. The Educational Department has regarded cinema shows as very fine media of instruction to children and grown-up persons alike and even Government are assisting schools in having magic lantern slides and cinema shows. In America they give instruction on various subjects by means of the cinema. Therefore such an industry should not be ruined by Government by the imposition of such a tax.

There is also a new industry. Film companies have been started in Bombay. This is an indigenous industry. By the imposition of this tax, this industry is hard hit. Government should not work in such a manner that indigenous industries would be taxed and killed. No industry would spring into existence if when it springs into existence it could not have facilities from Government and if it was going to be killed by the imposition of taxes. Therefore, I think it is imperative that the entertainment tax should be taken away from this Presidency as it has been removed from Bengal and I think the loss in income can be made good by taxing the totalisator.

The Honourable the PRESIDENT: I suppose the honourable the mover has no further remarks to make.

Mr. B. T. DESAI: No, Sir.

The Honourable Mr. J. L. RIEU: Mr. President, I oppose the motion for the omission of this demand. I submit, Sir, that the observations which have been made by the two honourable members who have spoken are nearly all irrelevant to the question. The fact of the case is that we have these two Acts imposing taxation on entertainments and betting by totalisators on race-courses. Apparently these honourable members are dissatisfied with the existence of these Acts or their provisions or their administration. I say to them that if they are so dissatisfied, it is for them to bring in a bill either to amend or to repeal these Acts. The establishment which we maintain and the funds which we now ask for their maintenance are simply required for the fulfilment of the obligations imposed on Government by those Acts, and if the demand is refused, it is evident that Government will not be able to fulfil their obligations and, as a result of that, provincial revenues will suffer a heavy loss. I submit that there is probably no tax levied by the Government of this Presidency that is levied at a lighter proportionate cost. The cost of



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collection amounts to exactly 1 per cent. of the total revenue. On these grounds I ask the House to reject the motion.

Question put and lost.

Demand for Rs. 26,000 under "9-A, Scheduled Taxes" put and carried.

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a grant of Rs. 71,65,000 for Irrigation (including Working Expenses)—Reserved under the head "XIII—Deduct—Working Expenses," "15—Other revenue expenditure financed from ordinary revenues," and "Refunds of revenue," under the heads "XIII" and "XIV."

Question proposed.

Mr. V. N. JOG (Dharwar District) : Sir, I move the motion that stands in my name, namely :

"Omit Item No. 22, additional establishment required for investigation of minor irrigation works, Rs. 11,830."

I move this cut not with a view to reduce that amount, but I want to express the feeling that the sum which is provided for this establishment for investigation of minor irrigation works is very small. There is only one officer who has to do the work of the whole of the presidency, and the note itself shows that out of the several proposals received, 750 still remain uninvestigated, and the area to be covered is, according to the note itself, over 10 precarious districts, excluding other districts which also are in want of these small irrigation works. So, this is a work which is very great and extensive : one officer and such a small establishment are quite inadequate for the purpose. This establishment must be strengthened, and especially our parts, namely, the Karnatak, where there are no big irrigation works, must be given the benefit of at least small minor irrigation works. In the Karnatak also there is one district which is very precarious, and is often affected by famine. That is the Bijapur district. There is also the eastern portion of the Dharwar district, comprising the talukas of Navalgund, Nargund and Ron. These talukas are affected by famine, and there is great scarcity of water there. The other portion of the district had several small tanks, and these tanks must be always kept in repair, and some more tanks should be provided for. Therefore, I only wish to bring to the notice of the House and the department that provision should be made for strengthening this part of the department. More money should be provided for. In that case, only small irrigation works in parts of the country where there are no big irrigation schemes would be beneficial, and the Government will be saved the criticism that the revenues of the presidency are not evenly and fairly distributed. With these remarks I move this cut.

Question proposed.

Mr. L. M. DESHPANDE (Satara District) : Sir, I support the motion. In doing so I want to bring to the notice of the Honourable Member in charge that the actual expenditure on minor irrigation works is always decreasing, though there is a large amount provided for in the annual

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budget. The accounts for 1927-28 show that only Rs. 80,000 were spent on these works, whereas some lakhs of rupees were allotted in the budget. The budget estimate of 1928-29 shows that Rs. 5,53,000 have been allotted, but, Sir, in the revised budget you will find that there is a decrease, and in the budget for 1929-30 the total provision is for Rs. 5,98,000. As compared with the budget provision for works of 1928-29, there is a decrease of Rs. 2,30,000 in 1929-30. It will thus be seen that the establishment is the same, nay, it is even increased as demanded, but still the amount for works has decreased. I therefore want that the Honourable Member in charge should see that minor irrigation works that are before the special engineer for investigation and works regarding which the investigations are complete should be first taken in hand, and that no new proposal should be considered without first completing the works that he has already investigated. It is stated here that out of 1,652 proposals about 750 proposals still remain to be investigated. That means nearly 1,000 have been investigated. But out of those only a very few works have been actually taken in hand. I may point out that the eastern part of the Satara district is a famine-stricken tract. Every year you will find that there is scarcity of rain in the Man taluka of the district, and the urgency of such minor irrigation works is very much felt in the talukas of Khatav, Khanapur and Man. The special engineer has approved of some works, but only one of them, I think, is taken seriously in consideration. There are so many works which require immediate attention, and they are left over for want of funds. The proposals have been considered. The surveyor has made plans and estimates, and still the works are not taken in hand for want of funds. I do not see any reason why there should be any new officers appointed for the purpose of simply investigating the proposals. The investigations made in a year are not taken in hand for years to come. We find that 10 to 20 years may pass before some of the proposals are actually taken in hand. I therefore request the Honourable Member to see first how many works it is possible for him to take in hand within the funds that are available and then take steps to see that those works are started rather than that more staff is engaged for preparing plans and estimates and leaving them idle for want of funds. Here it is stated that the special engineer has to do work for the whole of the presidency, that is from Sind to the southern area. The Superintending Engineer is nothing but an ordinary Executive Engineer. It is nowhere mentioned that he has any special qualifications for undertaking these bhandara works or minor irrigation works. It was told the other day that the Executive Engineers have to be retained, and though they have little work the staff is required, and so there is an excess regarding works in the Public Works Department. It means that in some districts the Executive Engineers have little work. Where there is little work for the Executive Engineers, will it not be advisable to give over to them this work, and thus relieve the special engineer of the work in such districts? What I want to bring to the notice of the Honourable Member is that he should see that works regarding which plans and

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estimates have been prepared should be taken in hand rather than additional establishment simply to prepare plans and estimates and not to do anything further in the matter. I hope the honourable member will please enlighten us on the point and say what works he intends to carry on in the current year. Then only it is possible for us to give the money for the actual work and not to pay for the officers. With these words I support the cut.

The Honourable Mr. J. L. RIEU : Mr. President, I am sure that the very last thing which the honourable mover of this motion desires is that his motion should be carried. I understand that he has brought forward the motion with the object of bringing to the notice of the Government that more projects of minor irrigation works have not been undertaken. In the course of his remarks the honourable member for Satara (Mr. Deshpande) complained that the full amount budgetted for 1927-28 was not spent. Now, he complains because the amount budgetted for next year has been reduced in comparison with that year. I think that this attitude on the part of the honourable member is a little bit inconsistent. In the case of special works like this we naturally try to budget as closely as possible to the figure of expenditure which is likely to be actually incurred during the year. In the early stages, however, the rate at which the special engineer would be able to complete his investigations and submit his projects was very uncertain. So, the amount provided for the execution of projects turned out to be considerably in excess of that which it was actually possible to spend in the year. Now, we have arrived at a closer estimate of the amount likely to be expended and therefore we have reduced our budget proposals. It is no use making provision for large expenditure when you know that there will not be sufficient mature projects ready for execution to admit of the full amount of such provision being expended during the year. I understand that the honourable member is anxious that the special engineer should expend the full amount provided in the budget. It may reasonably be expected that the amount provided will be spent during the year.

Then the honourable member for Satara (Mr. Deshpande) made a suggestion that in view of the fact that a large number of projects have been investigated further investigation work should cease. That is what I understand the honourable member to say. He desires that the attention of the special officer should be concentrated on carrying out those works that have been investigated and approved both administratively and technically.

Mr. L. M. DESHPANDE : Doing the work with the help of the new staff.

The Honourable Mr. J. L. RIEU : I may inform the honourable member that it is no part of the duty of the special officer to carry out these works. The construction and execution of these projects when they are ready and sanctioned by Government are entrusted to the ordinary staff of the Public Works Department. Therefore to ask the special officer to spend his time in the execution of these projects and

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to cease from investigating further schemes is an altogether impracticable proposal.

Question put and lost.

The Honourable the PRESIDENT: Does the honourable member Mr. Jog move his motion No. 71?

Mr. V. N. JOG: As it relates to the discussion of the general policy of the department, it may be taken at the end, Sir.

The Honourable the PRESIDENT: Please remind me about it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I move

"Reduce by Rs. 16,000—Establishment Charges—Rs. 99,257 (C. E. page 76)."

In moving this cut I wish to point out that the Rs. 16,000 represent the establishment charges of the water diviner. On page 59 of the Blue Book we see that the item of the water diviner and his establishment is shown as costing Rs. 46,000. Now, Government have played a trick in this matter. Formerly water diviner establishment was used to be put down in such a way that honourable members of this House would be able to spot him and move a motion for the omission of the item of water diviner.

But this time they have transferred him to the reserved department. At the same time, the water diviner and his establishment have been separated from each other. The total expenditure is Rs. 46,000; the items have been separated in the Civil Estimates; Rs. 30,000 which represents the salary of the water diviner has been italicised, so that no honourable member would be able to suggest a cut in his salary.....

Mr. J. W. SMYTH: It is non-voted.

Mr. J. C. SWAMINARAYAN: Therefore, I say that honourable members would not be able to touch the water diviner. Also the establishment charges of the water diviner are not put down separately; they are merged into the total establishment charges of Rs. 99,257. So, in order to hit the water diviner, his establishment charges have to be detached from the total establishment charges and a cut of Rs. 16,000 has to be proposed. The object of carrying that cut is to insist that the water diviner should go.

Sir, your predecessor, Sir Ibrahim Rahimtoola, has said that if Government created any number of non-voted appointments this House would have no control over Government in regard to those appointments, and the only way in which this House could exercise control over Government in such matters is by refusing any establishment to the men whose salaries are rendered non-voted. So, the cut of this establishment would be tantamount to a mandate on the Government to dispense with the services of the gentleman for whom that establishment is provided in the budget.

Sir, for the last four years this House has been crying in the wilderness in regard to the expenditure under this head. If this amount of Rs. 46,000 were utilised in digging 46 wells and making gifts of them to the cultivators, I think they would have benefitted much more. This

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extravagant establishment costing Rs. 46,000 is kept by Government because this House is not sufficiently strong to impress its will on them. The reason why this cut is being moved in this House year in and year out is that a large portion, a substantially large portion, of this House is not willing to continue this department. If only Government will try and find out Indian water diviners, they will do the work for a paltry sum. Of course Indian water-diviners are very competent for the work ; they can spot out water-bearing places. If Government will take the assistance of Indian water diviners, I think with a nominal expenditure of money they will be able to find out where water can be tapped.

The difficulty of the people is that they have not got money ; if they have money it will be easy for them to find out where water can be tapped and they can easily dig wells. Government should, therefore, provide money rather for the purpose of digging wells than for maintaining such a huge white elephant at an expenditure of Rs. 30,000. If this amount of money is given in the form of tagavi to cultivators for digging wells, it will be of much greater use to them than the maintenance of this department.

I think it would be desirable for Government not to play such tricks on the House and try to elude the vigilance of this House. Fortunately, it has been possible to find out a method under the present constitution to touch the water diviner. Government of course try to make him immune from the attack of this House. But fortunately we have reached that demand in which he has been included and we have been enabled to place our views very definitely and strongly before Government that they should put an end to this department. I think the House will be well advised, after the bitter experience of the last four years, to cut down at least this grant. A note was supplied to us at the beginning of this session showing what work was done by the water diviner, and I think in that note it was stated that the water diviner was on leave for most part of the year and that he had spotted about 27 wells. I think the expenditure incurred by us in spotting a well is much heavier than the expenditure involved in digging a well. Rs. 500, Rs. 600 or at the most Rs. 1,000 only will be necessary to dig a well ; but here for spotting 27 wells this presidency has been loaded with an expenditure of Rs. 46,000, which means an expenditure of Rs. 1,700 for spotting a place where water can be had. In the poor condition of the finances of this presidency it is mere extravagance to throw away money in this way. Whenever we point out desirable objects of spending money, Government say that they have no money. I think it was last year that the Honourable Moulvi Rafiuddin Ahmad, who was only a member at that time and not a Minister, took up cudgels against the raising of fees in schools and colleges, but now he comes forward with a proposal to raise the fees in schools and colleges and says that unless the fees are raised he cannot give as much money as he likes to give for primary education.

The Honourable MOULVI RAFIUDDIN AHMAD : Wait till the item comes before the House.

Mr. J. C. SWAMINARAYAN : If this cut is allowed, I can make a gift to him of this Rs. 46,000, and there will then be no necessity for him to raise the fees of school and college boys. This Government will learn nothing and will unlearn nothing. In spite of bitter experiences they continue to have officers on extravagant salaries such as Rs. 30,000 per year. You must stop draining India by means of such high salaries. But this is a steel frame which we cannot touch. Even in America public servants are not paid at such extravagant rates. But in this country which is poor, dependent and torn by dissensions, you see the most heavily paid and extravagant services maintained out of the revenues paid by poor people. Out of the revenues which are paid by the poor people whose income, as has been pointed out even by Lord Curzon and such other anti-Indian Viceroys, to be not more than Rs. 25 or Rs. 30 per annum, such highly paid officers are maintained. That the poor people are to be made to pay for such extravagant services is a sheer irony of fate, and I hope that the House will not treat this matter very lightly and whatever may be the machinations that may be gone through after the House rises, the House will not fall a prey to what is always passing after the rising of the House. I hope also that the members will not fall a prey to the blandishments of the official side and that they will at least this year signalise the success of the House, —divided as it is,—at least by throwing away this grant.

Question proposed.

The Honourable the PRESIDENT : The House is adjourned to 1 p.m. to-morrow, Tuesday, the 5th March 1929.









*Tuesday, the 5th of March 1929*

The Council re-assembled at the Council Hall, Bombay, on Tuesday, the 5th March 1929, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

AHMAD, the Honourable MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHURGRI, Mr. J. W.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. C. S. C.  
 HOTSON, The Honourable Mr. J. E. B.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JANVEKAR, Mr. D. A.  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.

JONES, Major W. ELLIS  
JOSHI, Mr. S. C.  
KALE, Rao Bahadur R. R.  
KAMBLI, Rao Bahadur S. T.  
KARKI, Mr. M. D.  
KHUHHO, Khan Bahadur M. S.  
KNIGHT, Mr. H. F.  
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
LAIRD-MACGREGOR, Mr. E. G.  
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
LALJI, NARANJI, Mr.  
LIGADE, Mr. S. P.  
MACKIE, Mr. A. W. W.  
MACLACHLAN, Mr. D.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MUJUMDAR, Sardar G. N.  
MUKADAM, Mr. W. S.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
NARIMAN, Mr. K. F.  
NAVLE, Mr. N. E.  
NOOR MAHOMED, Mr.  
OLIVEIRA, Mr. F.  
OWEN, Mr. A. C.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PATIL, Rao Saheb D. R.  
PETCH, Mr. F. W.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.  
PRADHAN, Mr. R. G.  
RAHIMTOOLA, Mr. HOUSENALLY M.  
RIEU, the Honourable Mr. J. L.  
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
SHETH, Mr. A. D.  
SHROFF, Mr. CHHOTALAL R.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
SYED MIRAN MUHAMMAD SHAH  
SYED MUHAMMAD KAMIL SHAH  
SYED MUNAWAR, Mr.  
THORAT, Sardar S. B.  
THORNER, Mr. J. P.  
TURNER, Mr. C. W. A.

VANDEKAR. Rao Sahab R. V.

WASEF. Mr. G. A. D.

WILES. Mr. G.

WINTERBOTHAM. Mr. G. L.

The Honourable the PRESIDENT : Order. order. Questions.

### JUDICIAL COMMISSIONER'S COURT : EJECTMENT SUITS.

Mr. Haji Mir Mohomed Baloch on behalf of Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to lay on the Council Table a statement in the appended tabular form regarding the Ejectment Suits disposed of in the Court of Judicial Commissioner of Sind in the years 1927-28 and 1928-29 respectively ?

Name of Judge	Number of cases disposed of	Ejectments	
		Granted	Refused

The Honourable Mr. J. E. B. HOTSON : A statement giving the required information is placed on the Council Table.

#### *Statement of Ejectment Suits disposed of by the Court of the Judicial Commissioner of Sind.*

Year	Number of cases disposed of	Ejectment		Remarks
		Granted	Refused	
1927 (January to December).	*340	174	34	*This includes 132 cases in which consent decrees were passed.
1928 (January to December).	†175	114	12	†This includes 49 cases in which consent decrees were passed.

*Note.*—The figures given in the statement are approximate only. A separate register of Ejectment Suits is not maintained.

### CAUSEWAY OVER THE MULA, AUNDH.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) when the plans and estimates of the raised causeway on the river Mula at Aundh will be ready and when the work will be taken in hand ;

(b) whether they are aware that the correspondence regarding this causeway has been pending disposal since 1919 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The plans and estimate for the causeway on the river Mula at Aundh are under preparation. The work will be taken in hand when the plans and estimate are sanctioned and funds become available.

(b) No. A proposal to construct a causeway was under consideration in 1919 but it was dropped in favour of a wire rope ferry in 1923. In 1925, however, the question of a causeway was re-opened and is still under consideration.

Mr. L. M. DESHPANDE : How long will it take to complete the plans and estimates ?

The Honourable Dewan HARILAL D. DESAI : The plans and estimates would be very soon ready, but as for the funds, we will have to see.

Mr. L. M. DESHPANDE : Since 1919 the proposal is under consideration and the plans and estimates have not as yet been completed.

The Honourable Dewan Bahadur HARILAL D. DESAI : Because on account of the financial stringency, there was no hurry for it.

Mr. L. M. DESHPANDE : So, when funds will be ready, then the plans and estimates will be ready ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No, no. They will be ready before that.

#### GHARI MANDHAR CANAL : BADIN TALUKA.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the number of breaches which have occurred in Ghari Mandhar Canal, taluka Badin, in each year from 1916 to date ;

(b) the total area for which remission was applied for in the kharif season of 1926-27 on the above canal on the ground of floods and for what area it was granted ;

(c) the average occupied area on the above canal below mile 8 which has been cultivated per year during the last ten years and how much average area remains waste ;

(d) how much cultivated land is lying waste this year on the above canal below mile 8 ;

(e) whether it is a fact that the old Kazia Canal which is intended to serve as an escape to the Ghari Mandhar Canal does not in its present circumstances reduce the pressure on the latter canal ;

(f) whether they propose to take any steps to improve this state of affairs ?

The Honourable Sir GHULAM HUSSAIN: (a) Information for the years 1916-20 is not available. For the remaining years the number of breaches was :—

Year					Number
1921	..	..	..	..	4
1922	..	..	..	..	1
1923	..	..	..	..	1
1924	..	..	..	..	3
1925	..	..	..	..	3
1926	..	..	..	..	9
1927	..	..	..	..	4

(b) Remission on account of floods was applied for on an area of 1,341 acres, out of which remission was granted on 1,182 acres.

(c) (1) Average occupied area below mile 8 during the ten years' period ending 1925-26 .. 22,408 acres

(2) Average area cultivated during the same period .. .. 14,975 acres

(3) Average area remaining waste during the same period .. .. 7,433 acres

(d) The figures for 1927-28 corresponding to those given at items (1), (2) and (3) in reply to (c) above are :—

					Acres
Occupied area	..	..	..	..	26,049
Cultivated area	..	..	..	..	13,011
Waste ..	..	..	..	..	13,038

(e) Kaziawah carries a discharge of 40 cusecs only and gives only partial relief in time of need.

(f) The matter is under consideration and is being dealt with in the proposals for improving the Fuleli canals system and constructing drainage channels in the Fuleli tract.

#### TAKAVI IN SIND AFTER FLOODS OF 1927.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the amount of takavi applied for after the floods of 1927 by agriculturists in each taluka in the affected area in Sind ;

(b) the amount of takavi paid by Government in response to the applications of agriculturists in each taluka ?

The Honourable Mr. J. L. RIEU : A statement containing the requisite information is placed on the Council Table.

*Statement.*

District	Taluka	Amount of takavi applied for up to January 13th, 1928	Total amount of takavi granted up to December 31st, 1928 for			
			(1) rabi seed	(2) kharif seed	(3) pur- chase of cattle	(4) Loans under the Land Improve- ment Loans Act
		Rs.	Rs.	Rs.	Rs.	Rs.
Hyderabad	Hyderabad	8,000	2,341	..	310	....
	Tando Allahyar	42,650	9,720	8,157	4,380	3,333
	Gumt	1,34,495	36,181	2,18,557	3,720	50,553
	Badin	2,08,570	36,600	1,23,679	3,000	17,315
	Dero Mohatar	38,270	6,270	36,493	15,530	7,306
	Tando Bago	2,33,190	32,882	62,724	2,300	11,734
		7,15,475	1,24,104	1,49,610	20,900	90,241
Thar Parkar	Mirpurkhas	3,71,733	38,610	93,500	24,740	6,000
	Jamesabad	3,00,000	45,953	1,30,798	4,065	3,900
	Digri	2,11,370	35,470	91,690	44,275	....
	Umarkot	1,19,286	30,550	1,02,697	33,801	....
	Samaro	1,22,348	49,221	60,321	47,614	1,500
	Khidpro	86,270	42,350	75,900	45,600	500
		12,11,007	2,42,156	5,63,006	2,00,595	11,900

PUBLIC WORKS DEPARTMENT OFFICERS : SUSPENSION OF LIEN.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that both the Bombay Development Scheme and the Lloyd Barrage Scheme are being financed from the Provincial Loans Fund ;

(b) whether it is a fact that Government have suspended the lien of officers of the Public Works Department on their substantive posts in the Department on their transfer to the Bombay Development Scheme ;

(c) whether it is a fact that Government have not suspended the lien of officers of the Public Works Department on their substantive posts in the Department on their transfer to the Lloyd Barrage and Canals Construction Scheme ;

(d) whether it is a fact that officers of the Bombay Service of Engineers acting in the posts of the Indian Service of Engineers in the Bombay Development Scheme are entitled to the benefit of the suspension of the lien of the officers transferred to that scheme but officers

of the Bombay Service of Engineers acting in the posts of the Indian Service of Engineers in the Lloyd Barrage and Canals Construction Scheme are not entitled to the benefit of the suspension of the lien of the officers transferred to the latter scheme?

The Honourable Sir GHULAM HUSSAIN: (a) With the exception of an annual contribution of Rs. 10 lakhs from the ordinary revenue towards interest charges the whole expenditure on the Lloyd Barrage and Canals Construction scheme is being met from advances taken from the Provincial Loans Fund and from provincial balances.

So far as the Development Scheme is concerned the answer is yes. For details as to the extent to which the Development Department operations are financed from the Provincial Loans Fund and from other sources, reference is invited to the Note on budget figures affecting the Bombay Development Scheme printed in the Blue Book.

(b) No.

(c) Yes.

(d) No, neither the officers acting in the posts of the Indian Service of Engineers Officers transferred to the Development Scheme nor those acting in such posts of officers transferred to the Lloyd Barrage and Canals Construction scheme are entitled to the benefits of the suspension of the lien.

#### SUKKUR BARRAGE NON-PERMANENT OFFICERS.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the number of European and Indian Officers (separately, engaged on the Sukkur Barrage Project who do not hold a permanent appointment in the Public Works Department;

(b) the provinces to which the Indian Officers belong and the number belonging to each such province;

(c) when Government will take up the question of framing proposals for the absorption of the European and Indian officers in the Public Works Department;

(d) whether they propose to consider the question of first taking up all Indians suitable for the various cadres of the Public Works Department?

The Honourable Sir GHULAM HUSSAIN: (a) 16 European Officers and 40 Indian Officers.

(b) Out of 40 Indian Officers 26 belong to Bombay Presidency (20 to Sind, 5 to Gujarat and 1 to the Deccan).

6 belong to the Punjab.

3 belong to the North-West Frontier Province.

2 belong to the United Provinces.

1 belongs to Mysore State.

1 belongs to Madras.

1 belongs to Central Provinces.

(c) The time is not ripe for framing any such policy.

(d) Does not arise.



Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : In the reply to (b) it is stated that 26 Indian officers belong to this presidency and 14 have come from outside. On what dates or in what years did these 14 outsiders come ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member will give notice, I can supply him with detailed information regarding the dates and years in which these officers from outside were appointed.

Mr. HAJI MIR MAHOMED BALOCH : Has the policy of not engaging non-presidency men in this presidency been discontinued ?

The Honourable Sir GHULAM HUSSAIN : No ; as far as possible, the policy is to give preference to the people of this presidency.

Mr. HAJI MIR MAHOMED BALOCH : Whenever we send questions asking why non-presidency men are appointed, we get replies that because presidency men were not available that had to be done. Therefore, I am asking whether the policy I have referred to is abandoned.

The Honourable Sir GHULAM HUSSAIN : As far as I remember, no non-presidency man has been appointed during my time.

Mr. W. S. MUKADAM : Were these non-presidency officers accepted owing to some extraordinary circumstances ?

The Honourable Sir GHULAM HUSSAIN : I cannot tell you. They were employed long before my time. If the honourable member will give notice of the question, I will find out.

Rao Saheb D. P. DESAI : Are Government aware that other presidencies do not appoint in their departments men who do not belong to their presidencies ?

The Honourable Sir GHULAM HUSSAIN : No, I am not aware how far that statement is correct.

#### LLOYD BARRAGE SCHEME : TEMPORARY OFFICERS.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that they have so far laid down no policy for the recruitment of the temporary officers employed on the Barrage scheme in the permanent cadre of the Public Works Department ;

(b) whether they intend to take up the question of framing a policy with regard to such recruitment ;

(c) whether they intend to give preference to Indians for the purposes of such recruitment ;

(d) what minimum percentage do they intend to reserve for Indians in the case of such recruitment ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The time is not ripe for framing any such policy.

(c) and (d) Do not arise.

## SALE OF AGRICULTURAL LAND : PRESIDENCY PROPER.

MR. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to give the following information for each district in the Presidency proper—

(a) the area of agricultural land included in the sales by agriculturists to non-agriculturists in each year from 1905-06 to 1927-28;

(b) the area of agricultural land included in the sales by non-agriculturists to agriculturists in each year from 1905-06 to 1927-28?

The Honourable Mr. J. L. RIEU: Regarding this question the Settlement Commissioner and Director of Land Records has reported as follows:—

“This will be an extremely laborious task and the results will necessarily be very unreliable. Every talati will have to go through the Mutation Registers of his villages for the 23 years and pick out every case of sale. As he picks out each one he will have to consider whether it is a sale from an agriculturist to a non-agriculturist or *vice versa*. Varying interpretations have been put on these terms, and owing to the difficulty of framing satisfactory definitions, which could be applied in practice, Government in Government Resolution, Revenue Department, No. 9745 dated 11th September 1924 ordered that the compilation of statistics on the lines followed up to that date should be abandoned. It is obviously quite hopeless to think that statistics which could not be compiled so as to give reliable information when the facts were fresh can now be compiled from old records.”

In view of the above Government regret that they are unable to supply the information desired by the honourable member.

## ROADS TO MATHERAN.

MR. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division): Will Government be pleased to state—

(a) whether there is any motor road from Chowk village on the Poona-Bombay Road to One Tree Hill on the Matheran Hill station;

(b) whether they are aware that the distance between the two places is about 4 miles;

(c) whether there is any motor road from Dhairesar to the foot of the Matheran Hill near Malang Point;

(d) whether they are aware that the distance between the two places is about 6 miles;

(e) whether they are aware that there are no road facilities for the supply of eatables of all kinds to the Matheran Hill station from the Panvel side;

(f) whether any proposals for the construction of the roads referred to in (a) and (c) above were sent by the Matheran Hill station municipal board to the Collector of the District of Kolaba;

(g) what reply if any was given by the Collector to the municipal board?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) No.

(b) No. The distance between the two places is about ten miles, and not 4 miles, as shown below :—

Distance from Chowk to Thakorwadi at the foot of  
Matheran Hill. . . . . 4½ miles.

Distance from Thakorwadi to One Tree Hill by foot-  
path . . . . . 5½ „

Total .. 10 miles.

(c) There is no village named Dhariesar anywhere near Panvel or Matheran nor is there any place known as Malang Point ;

(d) Does not arise in view of the reply to (c) above.

(e) Yes.

(f) With regard to the road referred to in (a) above a proposal to construct a road from Chowk to the foot of Shivaji's Ladder on Matheran Hill was submitted by the Matheran Municipality to the District Local Board, Kolaba, not to the Collector of Kolaba, in 1925, but it was negatived by the Board. The question does not arise with regard to the road referred to in (c) above.

(g) Does not arise in view of the reply to (f) above.

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR : Will Government be pleased to state whether they will be able to request the district local board to construct the roads ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I think that it is a function of the district local board and Government cannot press the district local board to take up a particular road. It is their look out.

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR : These roads are connected with the upkeep of Matheran.

The Honourable Dewan Bahadur HARILAL D. DESAI : Well, even then, it is for the district local board to consider. We do not interfere.

#### WATER SUPPLY TO DADU, JOHI AND SEHWAN.

Khan Bahadur M. S. KHUHHRO (Larkana District) : Will Government be pleased to state—

(a) whether it is a fact that in reply to petitions made to the Commissioner in Sind and the Chief Engineer in Sind, those officers replied to the petitioners that no steps were proposed to be taken in view of the fact that the Barrage canal would soon give the petitioners an assured supply ;

(b) if so, what canal is intended to irrigate Dadu, Johi and Sehwan talukas ;

(c) whether the work on this canal has been commenced ; if so when it will be completed and the canal begin to work ;

(d) whether Government propose to do anything to save the people of the places mentioned in (b) from complete ruin pending the construction of the new canal or canals ;

(e) what lands in the three talukas mentioned will be watered by this canal or canals ;

(f) what is proposed to be done to give an assured supply to those lands which will continue to be watered by the Western Nara after the Barrage Canal begins to work ;

(g) whether it is proposed to transfer the whole of Sehwan division to the Barrage Canal ; if so, what will be done with the Nara ?

The Honourable Sir GHULAM HUSSAIN : (a) In 1923, the zamindars of the Dadu taluka petitioned the Commissioner in Sind for the construction of a cross regulator at mile 4.2 of the Upper Nurwah but their request was not granted as by the construction of the regulator the petitioners could not get better levels without depriving the tail zamindars of their fair share of water. The petitioners were further told that the Sukkur Barrage project had been sanctioned and that the area in question would come under that scheme and benefit by it.

(b) The Dadu canal and its Johi branch.

(c) The excavation of the canals is in hand and they will be completed in time to open them by the *abkalani* of 1932.

(d) The deficiency at the tail of the Western Nara is due to the large increase of rice cultivation above Son Miani and the excessive draw-off by the upper *karias*. This can be remedied by restricting the openings of the *pukka karias* and constructing sluices at the heads of the *kacha* ones. In view of the approaching completion of the Dadu canal and the Johi Branch, it is not proposed to resort to this remedy. In the meantime, the distribution of water is being carried on as equitably as possible by means of regulators and rotation of *karias*. Investigations are also being made for widening the Upper Nurwah to feed the Western Nara below mile 113.

(e) All the culturable land in the three talukas within the boundaries shown below will be irrigated by the Dadu Canal and the Johi Branch :—

(1) Flood Protective Bund on the West.

(2) The river Indus on the East.

(3) The Manchar Containing Bank on the South.

(4) The extreme northern boundaries of the Dadu and Johi talukas on the North.

(f) The Western Nara will be abandoned after the Lloyd Barrage canals begin to function.

(g) *Vide* replies to clauses (e) and (f).

#### FRANCHISE, MALAD.

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether they have received a copy of the memorial from the resident tenants of Malad, published in the issue of the *Indian Daily Mail* of 12th November 1927 ;

(b) whether any steps are being taken to extend the franchise to tenants as requested in the said Memorial ;

(c) if the answer to (b) is in the negative, the reasons therefor.

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.  
 (b) The question of liberalising the constitution of all the Notified Area Committees in the Presidency is under the consideration of Government.  
 (c) This does not arise.

Mr. C. R. SHROFF : When will this question be decided finally ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It will not take very long.

Mr. C. R. SHROFF : That is, the exact date ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot give the exact date.

#### BRIDGE OVER THE OLD FULELEE, HATRI.

SYED MIRAN MUHAMMAD SHAH (Hyderabad, Sind) : Will Government be pleased to state—

(a) whether it is a fact that there is no bridge across the old Fulelee at the point where the road leading from Hala to Hatri crosses Fulelee near Hatri ;

(b) whether it is a fact that Motor traffic on this road had enormously increased of late ;

(c) whether it is a fact that Motors are ferried over across the Fulelee Old ;

(d) whether Government intend taking any steps to constructing a bridge there ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (b) and (c) Yes.

(d) No, as the old Fuleli will be abandoned after the Barrage Canals commence to operate.

#### NASIK STATION ROAD.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state when Government intend beginning and completing the scheme of asphaltting the road leading from Nasik to Nasik Road station.

The Honourable Dewan Bahadur HARILAL D. DESAI : The work of asphaltting the road has been started and will be completed in the coming financial year.

The Honourable the PRESIDENT : The House will remember that to-day there is the election of the representatives of the House for the University. Voting papers will be distributed after tea-time this afternoon and the election in fact will take place then. I appoint the following honourable members as the scrutineers :—

Mr. Balak Ram and Mr. J. C. Swaminarayan.

I have been informed that Mr. Swaminarayan is one of the candidates himself, but that does not stand in the way of his being appointed as scrutineer.....

Mr. J. C. SWAMINARAYAN : I have already handed in to the office my letter withdrawing my candidature.

The Honourable the PRESIDENT : Well, that settles the matter.

The Honourable Mr. J. L. RIEU : Mr. President, with your permission I should like to make a statement regarding the order in which Government propose to proceed with the remaining demands for grants.

In view of the strong feeling existing on the part of a large number of the non-official members of the House that 55-Irrigation should be discussed, we propose to allot Friday, the 8th instant, to the discussion of 55-Irrigation. I hope that that will meet the wishes of this honourable House.

There are two other demands which Government consider should be discussed. Several honourable members have intimated their desire that 59-Bombay Development, should be discussed and Government are quite willing to give an opportunity to such a discussion.

There is another demand 60-A which relates almost entirely to the provision of funds for initiating the Karachi Military Lands Exchange Scheme. Government do not desire that this item should be passed merely by the operation of the guillotine as they consider that the House should have an opportunity of expressing its approval or disapproval of the proposals of Government.

There are therefore these two subjects which Government propose to have discussed if that will meet the wishes of this honourable House. I therefore propose to allot the last day for Budget Demands, namely, Tuesday the 12th instant, for the discussion of these two items.

It is suggested on the part of Government that as we shall be meeting at one o'clock on that day and under the rules all discussion has to close by 5 o'clock, there will be four hours available for discussion, of which half an hour will be taken up by the interval, which gives  $3\frac{1}{2}$  hours for actual discussion. It is suggested therefore that from 1 o'clock till 2-30 p.m., demand under 60-A, namely the Karachi Military Lands Exchange Scheme, might be discussed, and that after the interval, from 3 o'clock to 5 o'clock, the demand under 59-Bombay Development, should be discussed. I do not know how far that will meet the wishes of the House, but that is the proposal which I place before the House subject to your concurrence, Sir, as to the time when the interval will take place.

Mr. B. G. PAHALAJANI : I am not sure that that arrangement will meet the wishes of all the members of this House. I think we should meet at 12 on the last day for the budget demands.

The Honourable the PRESIDENT : That raises a difficulty. There is the demand for Irrigation. There is a desire expressed by some members of this House that 59-Bombay Development Scheme should also be discussed. There is a further desire on the part of Government that rather than take the item 60-A through the guillotine and not give the House any opportunity for discussion, they should give an opportunity to the House to discuss it. That being so, how is the last day to be divided? The Honourable the Leader of the House proposes to give  $1\frac{1}{2}$  hours for 60-A and for 59-Bombay Development Scheme  $2\frac{1}{2}$  hours.....

The Honourable Mr. J. L. RIEU : That depends on whether you sit at 12 or at 1 p.m.

The Honourable the PRESIDENT : The important point we have to consider is whether we should sit at 12 o'clock. There will be time enough to consider that on the 11th instant. As the Honourable the Leader of the House has come forward of his own to give an opportunity to the House, the House should take it. Half an hour, one way or the other, makes little difference. It would be for the House now to decide definitely as to who the speakers will be. Otherwise, important speakers might remain behind, and the discussion might come to a close. That would be hard on these members. Therefore, I would request the non-official side of the House to decide as to who should be the speakers on these two subjects within that limited time.

Mr. J. C. SWAMINARAYAN : There is also a strong desire on the part of the House to discuss education, because the question of raising the fees of school and college boys should not be passed without discussion by the operation of the guillotine.

The Honourable the PRESIDENT : There is a strong desire on the part of the House, if I represent the House properly, to discuss all items.

The House will now discuss the motion of the honourable member Mr. Swaminarayan, namely :

"Reduce by Rs. 16,000—Establishment Charges—Rs. 99,257 (Civil Estimates page 76)."

Question again proposed.

Mr. R. S. ASVALE (Bombay City, North) : Sir, I rise to support the motion moved by the honourable member Mr. Swaminarayan. My reason is that we have been clamouring here at least for the last two years that the Government should have retrenchment and proper retrenchment first in their unnecessary highly paid establishments, and this item is really a proper one for retrenchment on the part of Government. Honourable members of this House who are real representatives of the people of the Presidency have openly said here that this department has done nothing substantial up to now in the interests of the presidency, and that therefore this department should go. And, Sir, instead of doing that Government has changed this votable item into a non-votable one this year. and I am quite sure.....

The Honourable Mr. J. L. RIEU : May I point out that the honourable member is under an entire misapprehension ? There has been no change whatever in regard to the votability or non-votability of the items composing this demand. They have merely transferred it from one head of the account to another. Those items which were non-votable before remain non-votable and those items which were votable before remain votable. There has been no change whatever in this respect.

Mr. R. S. ASVALE : On this subject I have spoken last year also. Major Pogson's services have been taken from the Government of India for the special purpose of divining water, but the office of Water Diviner

[Mr. R. S. Asavale]

has served no useful purpose. Sir, if you look into the expenditure of the department, and the benefit that has been derived from the services of Major Pogson and his staff you will at once come to the conclusion that the whole of the Department must go. The expenditure of the establishment under his charge comes to Rs. 16,000, while the pay of Major Pogson himself comes to Rs. 30,000. That means the pay of one officer is more than the pay of the whole of the staff under his care. Is it proper on the part of Government to create such an office wherein only one officer is paid more than the whole of the staff? Sir, this is a very strong case for retrenchment. It has always been stated on behalf of Government that they are ready to retrench if retrenchment is possible. When the whole House says that they do not want this establishment or department why Government should at once not accept the proposal and satisfy the House that they are ready to retrench in the proper way? If retrenchment was called for in any department it was in this one. Otherwise, the words of Government that they are ready to retrench if possible would go in vain. For this purpose only, I would like to support the motion.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I also rise to support the motion of my honourable friend from Ahmedabad, and if I understand the wish of this side of the House rightly, almost all the honourable members are in favour of dispensing with the services of Major Pogson. Some honourable members might have some experience of this gentleman. I have also had an opportunity of moving with him in the Surat District for two days. He has located several places for tapping potable water, and honourable members sitting opposite might be surprised to learn that experiments at the spots which had been located by him for the purpose of tapping potable water have failed. The Collector of the district was also with us, and the district local board of Surat spent some money in digging wells at the spots indicated by this gentleman, but unfortunately potable water was not tapped. There is a village named Delasa in the Olpad taluka of the Surat district, which has no potable water at all. The villagers have to fetch water from long distances for drinking purposes. The villagers applied to the Collector of the district for locating a place where sweet water could be tapped. The Collector referred the matter to the President of the district local board, and he referred the matter to this diviner with a request that he should locate the spot for potable water. He sent his assistant, and the assistant went down to the village and marked out a spot. This was communicated to the district local board by Major Pogson, and he informed the district local board that they would get plenty of potable water at a depth of 54 feet. The district local board dug up to a depth of 148 feet, but unfortunately no sweet water was tapped. So, the district local board had to incur unnecessary expenditure of over Rs. 1,000. The same was the case in a village named Saras in the Olpad taluka. I may inform the House that Mr. Shillidy was with me there. A spot was pointed for tapping potable water, but though the district local board spent several hundred rupees no sweet water was tapped there. I do not know about the wonders he worked in



[Rao Bahadur B. R. Naik]

other parts of the presidency, but I do not think a single instance can be quoted where he has succeeded in Gujarat. But if you want water diviners like Major Pogson, there are hundreds who are applying to the district local board presidents, and who are ready to be employed at a salary ranging from Rs. 50 to Rs. 100 ; and I understand that even Major Pogson has employed one or two Indian water diviners under him as his assistants, that they are doing all the work and on their report in many cases Major Pogson is giving his advice to the various local bodies or individuals concerned. If the Honourable Member in charge of this department is very anxious to retain the services of this water diviner, I wonder why the Honourable Member in charge of the Finance Department who is anxious to get hold of more money is not making use of treasure diviners in this presidency, to find out hidden treasures. In a tract like Gujarat anybody can be a water diviner but the real difficulty remains that Government have not been able to solve the difficulty of potable water. So far as my constituency is concerned, my collector was anxious to solve the water problem in the 35 villages of the Olpad taluka and about 15 villages of the Chorasi taluka. He tried with the help of the water diviner to solve this problem and the water diviner tried his best but the difficulty has not yet been solved. The district local board had also to incur a great deal of expenditure ; but the difficulty is still there. With these words I conclude by saying that this officer and his establishment are absolutely unnecessary.

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to support the cut. When the question of the appointment of Major Pogson came before this House I was not a member but I clearly remember that a resolution on the question was carried on account of the efforts made by the Government whip by a bare majority of one. Since then, year after year, whenever we have had the opportunity while discussing the budget we have clearly indicated to Government that the water diviner and his establishment are not required. This leads me to think that whatever opinion we may express on this matter, they seem to be of no value so far as Government are concerned. Sir Chunilal Mehta during the budget discussion in the first year of this Council gave us to understand that although the Secretary of State had made the salary of Major Pogson non-votable, yet, because the appointment was created by this Council a definite undertaking had been taken from Major Pogson that he would resign this appointment if the Legislative Council would come to such a decision. I hope therefore that the question of the salary of Major Pogson being non-votable will not be trotted out as an argument outside our authority.

Again, Sir, looking to the question from a financial point of view, I feel that this is a matter of great importance to this House. The Secretary of State has given sanction for incurring expenditure for the water diviner and his staff out of the Famine Relief Fund. Now, I ask what has the Famine Relief Fund got to do with the normal work of the water diviner and the sinking of wells. I can understand if this officer and his staff were to confine their attention to areas which are so well-known

[Mr. N. A. Bechar]

to be dry and bordering on famine and starvation. Were his activities confined to such areas as parts of Thar and Parkar district, Dholka in Ahmedabad, Ahmednagar district where water has to be provided for the people, then the expenditure can legitimately be incurred out of the famine fund. But it is not so. And even if we were to consult the opinion of the people in these areas, they would say clearly : " Instead of showing us where water can be found, give us assistance to construct wells." The problem with regard to these places is not where water can be found but the question of construction of wells for which they have no money. I therefore fail to see any reason why Government should persist in continuing this appointment. I can understand Government persisting and offering bold resistance on matters on which they feel that they cannot discharge their functions without that department. But if they consider that this department is *sine qua non* for the existence of the Government, I think we are being fooled. My own feeling in this matter is that this is merely a sinecure appointment created only in order to patronise some person. A salary of Rs. 2,500 for a water diviner is nothing but wasting the money with a vengeance. I do not know whether Major Pogson ever received this salary during his military career, or anything approaching it as he now draws in the civil service. I do not mind who the gentleman is ; but I say from the bottom of my heart that this expenditure of Rs. 50,000 or so is nothing but sheer waste. All this indicates to us that the seriousness with which we approach Government and all the debate we carry on here is not yielding any result. I ask you, Sir, if that is the way in which Government is to be carried, why should you not wind up the Legislative Council.

My honourable friend Mr. Swaminarayan representing the Ahmedabad district told us yesterday that about 60 wells were located last year. My honourable friend Rao Bahadur Naik from the Surat rural area has told us that all the three wells located in his District were a failure. Now, we want to understand what is the idea in persisting in this department. (An Honourable Member : They do not persist.) If they do not persist the opinion of this Council should prevail ; and the officials will not go about canvassing members to vote for them and trying to get a majority in the lobby. Left as an open subject I am sure the House will indicate their opinion against the appointment of the water diviner by an overwhelming majority. This is the only presidency of all provinces in India which is saddled with such an expenditure of Rs. 60,000 in spite of the fact that this presidency is more industrial than agricultural, whereas the agricultural provinces are doing without him. The whole question is that somebody must be accommodated. If that is so why not give him a political pension. In order to justify Rs. 30,000 salary per annum you spend another Rs. 16,000 more for the staff. This is hardly fair. Responsible people are complaining that Government are prepared to launch schemes costing crores of rupees for building dams and barrages but they are not prepared to spend even a small amount of money for the purpose of constructing wells. Here is an opportunity. There is

[Mr. N. A. Bechar]

no difference between us and Government so far as the point of constructing wells is concerned. Instead of giving grants for the purpose of actually constructing wells Government are wasting money to show where water can be found. I ask whether before this water diviner was engaged by the Bombay Government, were wells ever constructed or not ?

In rural areas, in villages, the *pagi* gives you indication where water is available on payment of Rs. 2 or Rs. 4 or Rs. 5. Those people who are agriculturists will tell you that. I hope, therefore, Sir, that Government will consider the position and respect the feelings of this House. I do not think they will find anybody supporting them from this side of the House. I do not find even the gallant knight Sir Vasant Rao Dabholkar coming to the aid of Government like a modern Daniel coming to give judgment. I am sure, Sir, that the way in which he speaks with impudence.....

The Honourable the PRESIDENT : Order, order, I would not allow the honourable member to take this opportunity to criticise another honourable member who is absent. This is a wanton attempt, as it appears to me, on the part of the honourable member to retort against another honourable member who spoke three days ago in connection with a matter which is quite foreign to the subject under discussion at present. Now, questions are often asked of me as to whether a certain word is parliamentary or not. Just now the word 'impudence' was used. Any word which is offensive personally to another honourable member of the House is unparliamentary.

Mr. N. A. BECHAR : Mr. President, I am most sorry that the honourable member is not here ; if he had been here I would have felt free to speak more emphatically about him. If any offence was seen in the language used, I am sorry for it, and I withdraw. I merely wanted to say what value this side of the House attaches to the honourable member's words.

I hope this side of the House will clearly indicate to Government in the clearest terms that they consider that this appointment is not intended for the welfare of the people but for the welfare of one individual whom Government want to have in spite of the fact that we do not want him.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, I rise to support the cut. Major Pogson's pay is nothing but a waste of public money and a drain on the public purse. Sir, the location of one well costs as much as Rs. 1,600, whereas a *pagi* would spot a well for Rs. 2 or Rs. 5. Sir, I want to know whether wells did not exist in this country before the advent of the British Government or the appointment of Major Pogson. I hope this House will unanimously throw out the grant.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I have no reply. I have received unanimous support from the House, and I think the House will be well advised to throw out this grant unanimously.

The Honourable Mr. J. L. RIEU : Mr. President, Government oppose this motion for a cut. I notice that none of the honourable members have referred to the reports which have from time to time been issued by Major Pogson stating the results obtained by him, the work done by him and so on. These reports have been placed from time to time before all honourable members, and I ask that they should judge Major Pogson's work from the results stated in those reports and not by mere vague impressions which they may entertain. Major Pogson's last report has only recently been issued and it is there before the House to examine and to comment on. But no honourable member who has spoken has made the slightest reference to this report or to the results stated therein.

Government has been accused by the honourable mover of playing a trick on the Council by transferring this item from the transferred to the reserved side. That shows a complete misapprehension of the situation. As I explained when I had to interrupt the honourable member Mr. Asavale, there has been no change whatever in regard to the votability or non-votability of the component parts of this demand.

Major Pogson's pay and his travelling allowances are necessarily non-votable, but the pay of his establishment and their travelling allowances and the contingencies of his office are all subject to the vote of this House. Honourable members are perfectly well aware that Government have given an undertaking that, should the votable items included in the demand not be passed by this House, Government would give notice of discharge to Major Pogson, and that is an undertaking which Government have no intention of resiling from.

A complaint was made by one honourable member that Major Pogson's individual pay is entirely disproportionate to the pay of his staff, and apparently that was meant as a serious criticism of Major Pogson's utility. I think, however, that it must be perfectly obvious that in the case of an expert of this nature who goes about without any expert staff because in the nature of things such staff is not needed,—I think he only has two or possibly three clerks to carry on his correspondence—in the case of such an expert—I say—it is ridiculous to contend that because his pay is large in relation to his staff, therefore he is overpaid.

Mr. B. G. PAHALAJANI : What was his pay under the Government of India when he was taken over by the Bombay Government ?

The Honourable Mr. J. L. RIEU : I cannot say. Probably a great deal less : I am quite prepared to admit that it was a great deal less than what he is paid now for the simple reason that he is doing altogether different duties.

Then, with regard to the honourable member from Surat, who has criticised Major Pogson's work having regard to his own experience of what he has done in that district, he asks us to believe that Major Pogson is an absolute failure because he failed to discover sweet or

[Mr. J. L. Rieu]

potable water in certain localities where the honourable member was very anxious that such water should be found. Well, Major Pogson cannot create potable water where it does not exist; it has never been contended that he has such powers of creation. If potable water is there he will find it. That is a very different proposition. It is quite unfair to argue that the water diviner promised to find water where there was none, and that because Major Pogson failed to discover water where none existed, he must therefore be condemned as a failure.

Rao Bahadur B. R. NAIK : On a point of information, Sir. I said that he assured us that water will be found in three different places and after digging wells at the places directed, it was found that there was no water.

The Honourable Mr. J. L. RIEU : I am afraid I must call in question the honourable member's statement that Major Pogson assured the honourable member that potable water would be found in the three places referred to. I have had discussions with him on that subject, and as I have understood from him, he has never claimed to be able to determine exactly the character or nature of the water which may be found, that is to say whether or not it contains salts in its composition which would render it unpotable. I have never heard him profess that he could determine the chemical composition of the water to be found.

The Honourable the PRESIDENT : The honourable member stated that he was present three times when Major Pogson declared that there was water at those places.

Rao Bahadur B. R. NAIK : At three places he said that there was potable water and spotted out the places and said "Here you will find potable water". But that did not happen to be the case.

The Honourable the PRESIDENT : But water was found, though not of the right sort? The Honourable the Leader of the House was right in his remarks.

The Honourable Mr. J. L. RIEU : It is rather a difficult question. It is very difficult to get water in the sub-soil in Gujarat, and where it is found it is very frequently found to be impregnated with salts. I say from my own experience that Major Pogson does not claim to be able to determine whether the water discovered at a certain place will turn out to be potable or not.

Now, it has been complained by one honourable member that Major Pogson has two assistants under him. I am afraid that that is not the case, although we are very anxious that he should train Indians as water-diviners who could be employed to assist him. Major Pogson has been making efforts to get suitable men for training and ultimate employment. We have placed at his disposal a grant which he may use to employ for a limited period likely men and so train them as water diviners. Up to

[Mr. J. L. Rieu]

now only two suitable Indians have been found whom Major Pogson could recommend for permanent employment and he submitted recommendations accordingly. Unfortunately it was found necessary, when the budget was being prepared, to cut out the provision made for these two assistants. That is the only reason why Major Pogson has so far not employed any Indian assistants, and it is not his fault. Now I contend that the value of Major Pogson's services is amply proved by the reports which have been placed before this House from time to time. If honourable members will turn to the report issued for the year 1926-27, they will find that Major Pogson refers there to the question of the enormous number of wells scattered all over the presidency which are absolute failures. This certifies to the inability of the agriculturists, when dependent solely on the advice of the local *panade*, to determine whether or not a well sunk in a particular place will give him a water supply. Owing to this inability, the amount of capital there has been thrown away on useless wells is simply enormous. I consider that what may be called the negative value of Major Pogson's services in preventing this waste of money and effort is quite comparable to their positive value in locating water supplies.

Reference has been made by an honourable member to the fact that this is the only provincial Government which employs a water diviner. That is not perfectly correct. As a matter of fact, the North West Frontier Province obtained the services of Major Pogson for a month in 1927. Major Pogson was also deputed to the Nepal State. An application has been made for the services of Major Pogson by the Agent of the Nizam's State Railway. That application is still under consideration. The Board of Revenue of the Madras Government have also applied to us to give details regarding the qualification of Major Pogson and the terms of his appointment, as they are apparently considering the creation of a similar appointment. Therefore, I say that it is not correct to maintain that this is the only province which maintains a water diviner. On these grounds, Sir, I trust that this House will not pass the resolution which I am sure would result in consequences highly prejudicial to the interests of the agriculturists of this presidency. The value of Major Pogson's services has been acknowledged by the agriculturists themselves. Whatever may be the case in the Council, he is simply flooded with applications from agriculturists wherever he goes, and I do not think that you need better testimony of the value of his work than that.

Question put. House divided. Ayes, 30 ; Noes, 34.

Motion lost.

*Division No. 3.*

Ayes.

ANBEDKAR, Dr. B. R.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BHOSLE, Mr. M. G.  
CHANDRACHUD, Mr. N. B.

DESAI, Mr. B. T.  
DESAI, Rao Saheb D. P.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GINWALLA, Mr. F. J.

Ayes—*contd.*

GUNJAL, Mr. N. R.					NAIK, Rao Bahadur B. R.
HAJI MIR MAHOMED BALUCH, Mr.					NOOR MAHOMED, Mr.
JITEKAR, Mr.	HAJI	IBRAHIM	HAJI		PAHALAJANI, Mr. B. G.
MAHOMED.					PATEL, Mr. J. R.
JOG, Mr. V. N.					SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
KARKI, Mr. M. D.					SHETH, Mr. A. D.
LAGHARI, Khan Sahab	RAIS	FAZAL			SHROFF, Mr. CHHOTALAL R.
MUHAMMAD.					SURVE, Mr. V. A.
LALJI NARANJI, Mr.					SWAMINARAYAN, Mr. J. C.
MANSURI, Khan Sahab A. M.					SYED MIRAN MUHAMMAD SHAH
MUKADAM, Mr. W. S.					SYED MUHAMMAD KAMIL SHAH

Tellers for the Ayes : Mr. J. C. SWAMINARAYAN and Rao Bahadur B. R. NAIK.

## Noes.

AHMED, the Honourable	MOULVI	JONES, Major W. ELLIS.
RAFIUDDIN.		KHURRO, Khan Bahadur M. S.
BALAK RAM, Mr.		KNIGHT, Mr. H. F.
BHUTTO, Khan Bahadur S. N.		LAIRD-MACGREGOR, Mr. E. G.
BROWNE, Mr. D. R. H.		MACKE, Mr. A. W. W.
DABHOLKAR, Sir VASANTRAO		MACLACHLAN, Mr. D.
DESAI, the Honourable Dewan Bahadur		MARTIN, Mr. J. R.
HARILAL D.		MUJUMDAR, Sardar G. N.
DESAI, Mr. J. B.		OLIVEIRA, Mr. F.
DOW, Mr. H.		OWEN, Mr. A. C.
FEEKE, Mr. C. G.		PETCH, Mr. F. W.
GHOSAL, Mr. J.		PRADHAN, the Honourable Mr. G. B.
GHULAM HUSSAIN, the Honourable Sir		RIEU, the Honourable Mr. J. L.
HARRISON, Mr. C. S. C.		SMART, Mr. W. W.
HOTSON, the Honourable Mr. J. E. B.		SMYTH, Mr. J. W.
ISRAN, Khan Sahab GHULAM MUHAMMAD		SOLANKI, Dr. PURUSHOTTAMRAI G.
ABDULLAH KHAN.		TURNER, Mr. C. W. A.
JADHAV, the Honourable Mr. B. V.		WILES, Mr. G.
JANVEKAR, Mr. D. A.		

Tellers for the Noes : Mr. A. C. OWEN and Mr. F. OLIVEIRA.

Mr. V. N. JOG (Dharwar District) : Sir, I beg to move :

(71) Reduce by Rs. 100—Total Voted Grant—Rs. 12,01,000 (Public Works Department, Budget page 6).

In moving this motion, I beg to submit that the policy of the Irrigation Department has not been fair to the several parts of the Presidency. If we compare the irrigation schemes over the whole of the Presidency, one part of the country namely, Karnatak, has been from the beginning neglected. You will see from page 49 of the Blue Book the various works in operation and also the works under construction, and in all these works a large portion is claimed by Sind including the Sukkur Barrage and similarly, a good deal is claimed by the Deccan proper, whereas Karnatak and Gujarat have not to their credit any such works. You will find also at page 50 the only work which Karnatak claims is the Gokak Canal, a small canal taking off direct from the Ghataprabha river without a storage work, opened in 1884. Only 1½ lakhs have been spent on this Gokak canal, so the note says. If we compare the figures for the various works in the Deccan proper, we shall find that lakhs and lakhs of rupees have been spent and there is the instance of the big irrigation scheme of Sind which is taxing the presidency to the extent of 20 crores of rupees.

In this connection it is to be noted, Sir, that there is a great feeling of discontent and disappointment in the Karnatak. The resources of

[Mr. V. N. Jog]

Karnatak have not been developed and the prosperity of the country is suffering. Always the Bijapur district is affected by famines. Sometimes there is not enough water even to drink. Some hopes were raised two or three years back when a scheme called the Daddi Scheme was under contemplation of Government but it was given up on account of the financial stringency and also on the ground that the scheme would not be a profitable one. When we are considering this question of irrigation, the only consideration should not be the commercial and economic side of that scheme. Sometimes there might be advantages indirectly flowing, though not direct, from these various schemes. But that side of the question is not considered by Government and hence a feeling has grown in the Karnatak that not only in irrigation but in all other respects education, medicine, sanitation it has been neglected. This feeling is engendered the more because it is not the question that Karnatak does not provide facilities for irrigation schemes. In the Karnatak (in which I am including the four districts of Belgaum, Dharwar, Bijapur and North Kanara), we have got big rivers such as the Ghataprabha, the Warda, the Malaprabha; not only that, we have got on the border of the Dharwar district and the Mysore Province and the Madras Presidency, the biggest river of the North Karnatak namely, the Tungabhadra, and the water of this river is now being harnessed by the sister Presidency of Madras. An interpellation was put in this Council by my honourable friend Rao Bahadur Kamblī asking whether the Bombay Government were going to have a similar scheme with regard to the Tungabhadra. The question was put in 1925. Since that day no attention to having a scheme with regard to harnessing the Tungabhadra is paid. Therefore, all the leaders of the Karnatak have begun to feel that it is no use remaining as a part of the Bombay Presidency. The feeling is growing every day that those parts of the Kanarese-speaking territory included in the Bombay Presidency and Madras should be combined into one independent province and various attempts should be made to develop the country. The neglect in the matter of irrigation has happened, I believe, by the Irrigation Division being called the Deccan Division and in the Deccan Division Karnatak is included. So, perhaps when the Government is considering various schemes from the point of view of territory or region, they think that because there are the two big schemes, namely, the Pravara and Nira schemes in the Deccan, and these four districts are included in the Deccan, therefore the Deccan has its share. Therefore these four districts are neglected. I therefore submit that special attention should be given with regard to this portion of the presidency, which is not a small one.

The Honourable Sir GHULAM HUSSAIN : May I know from the honourable member which schemes he refers to ?

Mr. V. N. JOG : I am referring to the fact that these four districts are included in the Deccan.

The Honourable Sir GHULAM HUSSAIN : No, no. Which schemes for the Karnatak is he talking of ?



Mr. V. N. JOG : The first scheme, which was given up lately, was the Daddi scheme. There was the Ghataprabha scheme, which was a scheme of about Rs. 5 crores. Then there was another scheme which was being talked of, namely, the Malaprabha scheme. Now-a-days we do not hear anything about that scheme also. Then, two years back Rs. 8,000 were provided for in the budget to have some preliminary surveys in regard to a small river called the Markandeya in the Belgaum district, but with regard to that we do not know yet how far things have progressed. We have not heard anything with respect to that since the Rs. 8,000 was provided for. In this budget we do not find any figure in furtherance of that scheme.

However, I was saying that as the 4 districts of the Karnatak were included in the Deccan Irrigation Division, it was considered that the Deccan had its share of irrigation including the Karnatak. But the Karnatak is a territory which is, so to say, quite independent, and it is a country which is well worth considering, because it has got a population—even taking the 4 districts—of more than 32 lakhs ; and the revenue which is being paid to the Government—I am only talking of the provincial revenue, I am not taking into consideration just now the revenue which is paid to the Central Government—is nearly one-sixth of the total. It is more than two crores, all items included. When we consider the causes why this portion of the territory is neglected, not only in matters of irrigation but in other respects also, we think that probably the cause is that we are quite at a distance from the seat of Government, and also our voice is very feeble in this Council. We have no adequate representation, and therefore our force is not felt in this House. You will see that we are only 6 Hindu members from the Karnatak, 2 from Belgaum, 2 from Dharwar, 1 from Bijapur and 1 from Kanara. The Muhammadan constituencies have been given 3 seats, one seat is taken away by Kolaba ; there are 3 for the Southern Division and 2 Karnatak Mahomedans are returned from the Muhammadan constituencies, and a Bombay member has captured the seat. So, we are only 8 out of 110, and so the Government does not feel that any attention should be paid to this part of the country. Even in this we have not been treated quite justly. If we consider how the various seats have been distributed, it will be seen that Satara which has got lesser population and gives lesser revenue has been given 3 seats, whereas Dharwar which pays more revenue and has equal population if not more has been given only 2 seats. The voting strength of the Dharwar District is more than that of Satara. If you compare the population and the revenue which we contribute to the presidency and the voting strength our district comes near East Khandesh and East Khandesh and West Khandesh together have got 4 seats, whereas we have got only 2 seats. This has been so even in the pre-Reform days. In the pre-Reform days also we had not got strong representation in the Council.

The Honourable the PRESIDENT : I hope the honourable member does not imagine that he is addressing the Simon Commission.

Mr. V. N. JOG : No. I am showing why we are neglected in this matter. I am only referring to the causes which have led to this neglect. I do

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not want to dilate at great length on that point here. That is the reason why we think we have been neglected, and as I have already remarked, the feeling is growing stronger that it is no use remaining in the presidency, and Karnatak wants to have a separate province for itself.

Then, coming to the other portion of the Irrigation policy, I beg to submit that latterly the irrigation cess has been increased in several parts. It has become oppressive. We have got only a small irrigation canal in the Dharwar district, which is the Dharma canal, and recently the rates on the Dharma canal have been raised; the rice rate of Rs. 3 has been raised to Rs. 4-8-0. Complaints have been made that they do not get enough water, and in spite of that recently the rates have been increased. The rates have been increased irrespective of the consideration whether they get water throughout the year for their crops or not. Similarly, there is a recent tendency to convert some of the tanks which are first class tanks into second class tanks. One very recent instance is that of the Mavinkop tank in the Dharwar taluka. It is a tank in the Dharwar taluka of the Dharwar district, but the lands irrigated by it are in the Kanara district. Recently, there was a Government notification with respect to converting this first class into a second class tank. Objections were invited from the people of Haliyal and other villages. But the objections have not been favourably considered, and the tank has been converted from a first class tank into a second class tank. It is a very recent order which has been issued. I do not know whether the matter has been considered by Government now, but there is a reply from the Collector of Kanara that their objections were overruled. The Irrigation Act requires that the matter should come up to Government and the Government should consider the whole of this question. The reason for complaint on the part of these people is that when a first class tank is converted into a second class tank, the responsibility of repairing the tank is thrown on the irrigators; Government absolves itself from all responsibility for repairing the tanks. Therefore there is the feeling that if the tanks are not repaired every year properly, there will be a falling off in the water supply. There is much leakage and feeder channels have been in bad repairs.

Another grievance in the same connection is that the water cess is not disconnected from the land revenue. There is a consolidated cess, and that consolidated cess is recovered, whether there is a sufficient supply of water or not. When the Mavinkop Tank was a first class tank in the year 1904-05 they got remissions. Now, as the tank is converted into a second class tank the Collector in replying to their objections has stated that the request for a reduction of the water tax on the lands cannot be granted. The burden is thrown on the irrigators for improving and repairing the various feeder channels. They are put to additional cost, which it is rather unjust. Therefore instead of the additional cost being thrown on the irrigators, these tanks should not be converted into second class. With these remarks I beg to move the motion.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the cut. As the policy of the Irrigation Department is being discussed, I invite in that connection the attention of the Honourable the General Member to one fact and of the attention of the Honourable the Finance Member also. I would like to point out that the expenditure for the maintenance and repairs and working charges mount up day by day so much so that property worth lakhs of rupees is at present managed unproductively. That is establishments and working expenses work up to such a figure that almost 55 per cent. Fifty-five per cent. of the gross revenue is being absorbed in establishment and other expenses. This condition obtains throughout the presidency.

But as the Honourable the General Member comes from Sind I would just give him some instances from Sind. In Sind there are two classes of irrigation works—the productive and unproductive. Out of these at least 2 crores and 93 lakhs of rupees worth of works are unproductive, that is, they pay a net revenue of 1·10 per cent. I do not think that the Honourable the General Member has ever considered this point of view. In all we have spent 4 crores and 35 lakhs of rupees in Sind for the works that are already under operation, excluding the works under construction. I am taking only the works which are already in operation. Out of the total expenditure of 4 crores 35 lakhs, two crores and ninety-three lakhs give a net revenue of 1·10 per cent.

The Honourable Sir GHULAM HUSSAIN : From where does the honourable member get his figures ?

Rao Saheb D. P. DESAI : From the Irrigation Report for 1926-27.

The Honourable Sir GHULAM HUSSAIN : What is the total revenue ?

Rao Saheb D. P. DESAI : I shall give that afterwards. I just want to show that an investment of 2 crores and 93 lakhs is wholly unproductive. The big Jamrao canal constructed at a cost of Rs. 98 lakhs is a hopeless failure, so far as the financial aspect is concerned. The same is the case with the Nara river works constructed at a cost of about 86 lakhs. The working charges on these unproductive works are nearly 85 per cent. If these charges are reduced, I think there is some possibility of making good that loss.

I now come to the productive works. There are works to the extent of one crore 76 lakhs which are productive and give a return of 15 and 16 per cents. But these are few and far between and even there look at the working charges. The working charges amount to nearly 50 per cent. Now without reducing the working charges how can you make irrigation works productive ? If you reduce the establishments, I can assure the Honourable the General Member that the expenditure might be brought down, and works now unproductive may be made productive. Why should you incur an expenditure of 85 per cent. on working charges for the unproductive works in Sind ? That is a very good point for the Honourable Member to enquire into.

The other grievance about the Irrigation Department is this. Why should you spend a lot of money from our Famine Fund and deplete

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that already depleted fund? When we actually suffered from floods and when we asked for relief from that fund, Government did not pay attention to it. I had approached the Honourable the Finance Member and the Honourable Minister in charge to give grant to the district local board for repairing the damage done by the floods in Gujarat. Both of them turned a deaf ear. But if a demand comes from the Irrigation Department or from the Public Works Department the Honourable the General Member meets the demand from out of the Famine Fund, as if he is poor. I think his own revenues are good enough and the revenues of Government are good enough; but he should not have relied upon Famine Fund. On what the expenditure is incurred from the money taken out of the Famine Fund? I would invite the attention of the House to the works under the Indus River Commission. This expenditure was used to be met from the ordinary revenues. I do not know whether it is a wisdom or folly on the part of Government to adopt the policy of meeting this expenditure from the Famine Fund. From my own point of view, I must say it is a fault on the part of the Government to transfer this expenditure on to the Famine Fund. Rs. 7 lakhs and 50 thousand are still met for such works from the Famine Fund. Here are the works mentioned.

The Honourable Sir GHULAM HUSSAIN: On what page?

Rao Saheb D. P. DESAI: On page 7. 15 Deccan and Gujarat and similarly Sind also 15. Rs. 5,91,000.....

The Honourable Sir GHULAM HUSSAIN: On what page?

Rao Saheb D. P. DESAI: Page 4.

"Amount financed from Famine Insurance Grants debitable to the head '15 (1)'" , Rs. 5,91,000. Formerly this expenditure from the Famine Fund amounted to over 10 lakhs of rupees: now it is being reduced. If the Honourable the General Member looks into the Sind issue, he will better understand the whole question.

The Honourable Sir GHULAM HUSSAIN: Sind?

Rao Saheb D. P. DESAI: Sind first: I will come later on to the Deccan. At page 6, we find.

*" Western Nara Division*

Extensions and Improvements.  
Maintenance and Repairs.

*Nasrat Canals Division*

Extensions and Improvements.  
Maintenance and Repairs.

*Hyderabad Canals Division*

Extensions and Improvements.  
Maintenance and Repairs.

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*Karachi Canals Division*

Extensions and Improvements.  
 Special Repairs.  
 Maintenance and Repairs.

*Shikarpur Canals Division*

Extensions and Improvements.  
 Special Repairs.  
 Maintenance and Repairs."

and so forth, and for all these purposes Rs. 5,91,000 have been taken from the Famine Insurance Fund to meet at least in part the expenditure incurred. If you look at previous budgets you will find that a lot of expenditure has been incurred from the Famine Relief Fund simply for raising the bunds and keeping the Indus in its proper channel. In short, much of the expenditure incurred by the Indus River Commission was met from that fund. This policy should now cease. Some times Government prevail upon the Auditor General to allow them to make changes in their method of keeping accounts and cites his authority, and when it is worth while for them they always cite the orders of the Auditor General to show a particular expenditure under a particular head ; but when it is not worth while for them the Auditor General's remarks are thrown to the winds. If my memory is correct, the Auditor General took objection to the diversion of 10 lakhs from the Famine Fund to the cost of the Sukkur Barrage. Government could very well have kept that amount in the Famine Fund and taken those 10 lakhs from the ordinary revenues. I do not mean to say that the 10 lakhs should not have been taken at all for the Sukkur Barrage, but what I mean is that that amount could have been taken from the ordinary revenues to the Sukkur Barrage. But in spite of the opinion of the Auditor General, this Government diverted from the Famine Fund 10 lakhs of rupees annually for the Sukkur Barrage, while the districts which are actually suffering from famine, districts which cannot get even proper drinking water supply, were allowed to shift for themselves. Not a pie is being spent in some districts from that fund, although the fund was created for them. When a demand is made either by the district local board or the Collector, that demand is not attended to by Government. I say that this reckless expenditure incurred by Government ought to have been met from the ordinary revenues, and the refusal of any amounts for expenditure in the districts which stand in need of them is a grave misuse of the trust reposed by this House on Government.

An honourable member has touched on the needs of his province. I do not generally like to deal with such matters from the standpoint of the needs of one's own province, but as one honourable member has taken that liberty I might also touch on the needs of my province. During the whole period of British government, they have spent about 25 lakhs of rupees on irrigation in our province. Government know full well that every three years we have famine, and crops fail ; yet Government do not look into its irrigation needs at all.

The Honourable MOULVI RAFIUDDIN AHMAD : You mean Gujarat ?

Rao Sahab D. P. DESAI : Yes, Gujarat. Of late, owing to the pressure brought to bear upon them by this House, Government have been considering some proposals for Gujarat. I had moved privately till then but had not taken the matter up in this House.

I would like to bring to the notice of the Honourable the General Member one fact, namely, that we do not like to have bad water. Much of the kalar in Sind is due to the Indus water. The kalar may be due to the capillary attraction of soil from the underground layers. But water has also got a tendency both to deteriorate and to improve the soil. So, in all future irrigation schemes Government should bear this fact in mind that before they embark on a scheme they should get the water chemically analysed. It is just possible that in the long run that water might deteriorate the soil. I do not know whether the Irrigation Department is aware of this fact, but I think it is better to have the water chemically analysed. We do it in the case of our own private wells ; we get the water examined by the Government chemist and he sends us a full analysis, and from that we form an opinion as to how much percentage of sodium carbonate, sodium bicarbonate or sodium chloride there are in the water. Whether it be in Deccan, Gujarat or Sind, the waters of the prospective irrigation water should be chemically examined.

Now, there are some schemes before the Honourable the General Member about irrigation in Gujarat. There are two projects which must have come to him. Before he issues final orders on these projects, I would request him to bear in mind one point, and that is that he should not rely upon the financial forecasts of those projects. I may say that so far as my district is concerned we are not going to live on the charity of others ; we have never lived so, nor are we going to live so ; whatever Government spend in our district we shall pay back in full. Let them take it from me that we shall never ask them to give a crumb from here and a crumb from there. But have those irrigation schemes executed in our province. We shall pay you your debt and all other charges. But at the same time we shall sit on you, and we shall not allow you to incur extravagant expenditure so as to burden our people. That is also the right we claim. If we have to bear the debts, we must also have that right to sit on you and to prevent you from incurring needless expenditure. I know that in one scheme the Superintending Engineer has prepared, about 2 per cent. net realisation has been shown. If the whole scheme were altered, a little, then I guarantee we shall give you about 6 per cent. Before throwing out that scheme on the ground that it will not pay its own way, you should consult the people of the district and find out their needs. In this connection I would just ask Government to refer the whole scheme to Mr. Harrison who has got presidency experience. For example they may have put certain acres under rice while as a matter of fact they would not require anything for rice, sugar, etc. We would like only three or four waterings for tobacco and the whole tract may

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be put down for that crop for a duty of about 70 to 80. We would be ready to give you about 6 per cent. But before doing that you have to consult us. But I do not know when Government will consider that point. I am not talking of the Meshwa project. We have got the High Court decision for that against Government. Therefore we are quite satisfied with the present waterings, so far as my district is concerned, and we do not want the Meshwa Project. I do not undertake that we shall pay our way for that project, because the High Court has decided in our favour. The High Court has decided that the Kaira district has got prior claims over the Bakh, Khari and Brywa and the Irrigation Department cannot divert these waters. So we would like to stick to the High Court decision rather than accept any other Scheme. But as Government are compelled now to provide for irrigation in Ahmedabad on which they have spent about 10 to 12 lakhs of rupees, the waters of the Kaira district cannot be diverted elsewhere, so long as there is a demand in the Kaira district. Government used to give the water to the people at the head up till now, starving the Kaira district people. So they have fought out the whole matter in a civil court and the civil court has finally decided that the Kaira people have got a prior claim for all these waters and the department cannot divert the water, so it is a decision against Government. The irrigation Engineers used to cut off the water from one side and give it to others and they did things according to their sweet will, and so we fought out the whole matter ; for 15 years, we had to fight out that battle and finally we have come out victorious from the High Court. Government have not gone to the Privy Council since then.....

The Honourable MOULVI RAFIUDDIN AHMAD : May I ask the honourable member whether the High Court has decided what the policy of Government should be in future in regard to the scheme ?

Rao Saheb D. P. DESAI : The High Court has decided on the ground that the people have got prior claim for our irrigation system. I do not mean to say that the people from Sind also should rush to civil courts. But I say that there too the tail people may have got a claim if they can prove their case by continuous use. If the Sukkur Barrage affects the Fuleli, people can very well go to a civil court and bring an injunction not to spend money on the Fuleli, these people have got a very good claim for the water of Indus. With these remarks, Sir, I support the motion.

Mr. N. B. CHANDRACHUD (Poona City) : Sir, I am grateful to my honourable friend for giving me an opportunity of putting forward the grievances of my district before the House in general and before the Honourable the General Member in particular. Poona district claims a big share of the Deccan Irrigation Scheme. There may be some other districts who get the benefits of irrigation but their share is small. The Bombay Presidency is the most backward Presidency in the whole of India so far as irrigation is concerned. But the responsibility for this

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does not lie on the shoulders of the Bombay Government, because up to the time of the Reforms this irrigation was specially reserved by the Central Government in their own hands, and it is only since the introduction of the Reforms that this subject of Irrigation has become a provincial Reserved Subject. Now before this subject was transferred to this Government, the treatment which the Central Government gave to the Bombay Presidency was certainly very unequal and very unjust. At the time when the Irrigation Commission was appointed in the year 1901, we find that up to the time they had spent about 36 crores of rupees on irrigation. Out of these 36 crores 10 crores had been spent in the Punjab; 7 crores had been spent in Madras, 6 in Bengal, 8 in the United Provinces and only one crore and 86 lakhs had been spent in Bombay. That was the only thing which the supreme Government had spent for Bombay, namely, out of Rs. 36 crores they had spent only Re. 1 crore and odd on Bombay irrigation. I am excluding Sind. I am not taking into consideration Sind irrigation, because Sind has natural advantages and it has its own peculiar position. But in Bombay Presidency, barring Sind, the investment on irrigation was only 1 crore. That was an investment up to the year 1901-02 when the Irrigation Commission was appointed. Now, even at present we find that Bombay Presidency is the most backward presidency in the whole of India; if we take the cropped area and compare it with the area cropped by irrigation, we find that in the Punjab more than 50 per cent. of the area is cropped by irrigation; in Madras it is 25 per cent.; and in United Provinces it is 25 per cent. Even in a state like Mysore it is 15 per cent. These are the proportions of area of crop by irrigation to the entire crop area. But in Bombay, according to the latest report, a copy of which I have just received, we find that the entire area of crop is 2 crores and 8 millions. That is the entire cropped area in Bombay, and out of this we find the area cropped by irrigation last year was 1 million 23,000 acres, and this year it has gone to 9 lakhs and 65 thousand. That is the difference between this year's irrigated area and the last year's irrigated area. As a matter of fact, it has gone down by *minus* 6·7 per cent., and the reason for this I will explain. The area under Government canals was reduced by 85,000 acres. It comes to *minus* 28·8 per cent. It is stated in the report that in almost all the areas the decrease in the area irrigated was due to timely rainfall and therefore the cultivator did not feel it necessary to go in for irrigation from the canals. But my submission to you and to the House is that the reason assigned here is not correct, because we find that whereas the area irrigated by canal water and by Government canals has come down, the area irrigated by well water and by private tanks and private canals has, as a matter of fact, increased. We find that the area irrigated by well water and private tanks and private canals has increased, and my humble opinion as regards the reason for this is the harsh and oppressive system which you follow in the matter of irrigation by Government canals and the harsh water rates which you are levying on the bagayatdars. Bombay, Sir, is a very backward province so far as regards irrigation is concerned. The ratio of the crop area by irrigation is very small in



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Bombay. But so far as regards the water rates, Bombay stands first. While we are backwards so far as, irrigation is concerned, we pay the maximum rates. In Madras the rate is about Rs. 4 an acre; in United Provinces it is about Rs. 4; in Punjab about Rs. 3; in Sind it is about Rs. 2 an acre; while in Bombay, according to the report which I have in my hand, it appears that on an area of 2,63,000 acres Government realised a gross revenue of about Rs. 35 lakhs. That is, nearly Rs. 14 per acre, and that too for all the crops including sugarcane crop and perennial crops Bombay had to pay about Rs. 14 per acre. And how harsh and oppressive the ways of the department are will be found in your own report, because out of this gross revenue of Rs. 35 lakhs, as a matter of fact, Rs. 15 lakhs were in arrears. And what must be the reason for that? Not because ryots are stubborn and they have made Satyagraha. No. The Deccan ryots are proverbially poor and they are also proverbially honest. The real reason, therefore, is that the water rates are far in excess. That the water rates are far in excess, as compared with other provinces, is admitted even by the Irrigation Commission in their report. They have also given a compliment to the peasants in the Deccan, and this is what they write :

"Irrigation is, therefore, appreciated in the Deccan as a means of increasing the value of the produce of the land, as well as for the protection that it affords against drought. It is true that irrigation works cannot be made to pay, but this is due generally to their unavastably great cost, rather than to the unwillingness or inability of the cultivator to pay for irrigation; the average water-rate being at the rate of Rs. 4.46 per acre which is much higher than in other provinces."

The average rate here given is 4.46, but in the Government Gazette for that year I find the rate was more than Rs. 6 per acre, which is much higher. So, even the Irrigation Commission have admitted that the Bombay peasantry is the most hard-working and poorest peasantry and that the water rate prevailing in Bombay is greater than in any other province. In fact, up to the year 1901-02 the India Government had almost neglected the Bombay presidency. Not that Bombay had no possibility of having irrigation schemes. But, as a matter of fact, they made several surveys, several irrigation schemes were worked out, but they were not undertaken or finished on account of financial stringency, and after that dire famine of 1896. In 1901-02 the Irrigation Commission was appointed by Lord Curzon, and after the recommendations of this Irrigation Commission it was that this Government undertook some costly schemes of irrigation in the Bombay presidency. Now, what was the object in launching these big irrigation schemes? The object was never to make money. Government are not private landlords. They cannot say "We have spent five crores, and therefore we will have a revenue of Rs. 26 lakhs". You cannot insist upon your pound of flesh. You are, after all, Government, and over and above the actual amount spent by you and the interest of say 3 or 4 per cent., you have no right to claim more. And this was one of the objects as stated in the Irrigation Commission's reference. It has been laid down in the Instructions that the main question to bear in mind as regards new works is not whether they are likely to prove directly remunerative but whether the net

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financial burden which they will impose on the State in the form of charges for interest and maintenance will be too high a price for the protection against famine. That was the main object with which these big irrigation schemes were undertaken. It was from this point of view that they considered proposals for the extension of irrigation schemes in the districts in which cultivation is very insecure and very precarious. So, the object of launching on these big irrigation schemes in the Deccan certainly was never to make money but to see that people are protected from the ravages of famine, and Government also wanted that they should get at least 3 to 3½ per cent. as interest on the amount which they have spent. It would appear from page 9 of the Irrigation Revenue Report for the year 1926-27 that the total outlay on the Mutha Canal is about 65 lakhs and the gross revenue which Government get is about Rs. 4,50,000 and the interest which Government get is 4·36 per cent. As a matter of fact the Government of India were satisfied if they got an interest of about 3 or 3½ per cent. Out of the whole of India, the Bombay Presidency, you will find, is very unfairly treated as regards irrigation works, but I am not going to hold this Government responsible for the sins of omission and commission of the Imperial Government. My one charge against the present policy of Government is that the water rates are absolutely oppressive and the second charge is that the rules are so harassing to the agriculturists that they can no longer bear them. The framing of the rules is left to the free choice of engineers who do not know the A.B.C. of agriculture. In some Indian State once a barber was made a pleader not because he was a great jurist or a lawyer but because he had given the Maharaja good and a smooth shave. The same Maharaja made a veterinary surgeon his Chief Judge and a Law Graduate his Chief Medical Officer. You will find that all these powers of making rules are vested in the hands of engineers who do not know the A. B. C. of agriculture. We have got the Agricultural Department. We had got a man like Dr. Mann, a sympathetic and an efficient officer and a kind officer. I think he was not consulted when making these rules and all these rules were made by the caprice and the whims of a single officer in the engineering Department. What is the Government's definition of an efficient officer? It is that the officer must be most unsympathetic, bureaucratic and able to put the most money into the coffers of Government. The engineers, who have the power of making these rules, go on increasing the water rates at their sweet will. These rules never come before the Council for sanction nor are they made after consultation with the Agricultural Department. The water rate per acre for sugarcane was about Rs. 30. It was increased to Rs. 40, then to Rs. 50 and last year they had a talk of increasing it to Rs. 62, but it was only when the bagaitdars combined and determined that they would rather forego the plantation of sugarcane than pay Rs. 62 per acre that the idea was dropped and the department said "This year you may pay Rs. 50; next year we shall see if we do not succeed." We all know, Sir, that the prices of foodstuffs are going down. The price of jaggery has gone abnormally down on account of the competition with foreign Java sugar as the Java sugar is

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sold in the market for the same price for which jaggery is being sold. If a man can get Java sugar for the price which he has to pay for jaggery, certainly he will prefer Java sugar unless of course he is a nationalist and a swadeshist. Government are increasing the water rates. And how are you enforcing these rates and these rules? Let us take the same Irrigation Revenue Report for the Bombay Presidency for 1926-27, page 14. There it is admitted that there is an increase of rate for sugarcane and increase of revenue from this source which has been attributed partly to an enforcement (you will please mark the word "enforcement") of enhanced water rates on all seasonal crops as well as perennial crops. If the water rates for sugarcane crop are increased to Rs. 50 from Rs. 40, the water rates for other crops are increased 50 per cent. These water rates are enforced on every canal where the same thing is repeated. So also at page 17, the increase is admitted as having been due to an enforcement of enhanced water rates. The same remarks apply to other canals also. Everywhere the cry is the same that you are arbitrarily, without the sanction of this Council and without even consulting the Agricultural Department and the Bagaitdars concerned, increasing the water rates and enforcing those rates in a high-handed manner.

The above is not the only grievance. Government have lately introduced a tax on toddy trees. I challenge Government to show me if there is any civilized country where trees are taxed. I can understand toddy trees being taxed if they yield.....

The Honourable the PRESIDENT: How does that come in? What is the connection between toddy trees and the Irrigation Department?

Mr. N. B. CHANDRACHUD: Yes, you may be surprised, Sir, but the Irrigation Department has introduced a tax on toddy trees. If you have a toddy tree, whether it is tapped for toddy or not, they charge Rs. 10 for every 100 trees, in addition to the Rs. 3 which the Excise Department charges for every toddy-yielding tree. What do you think is the reason which the Irrigation Department gives? They say that on account of the general moisture and the general humidity of the air produced by the irrigation canals, toddy trees grow in your compound. These trees grow anywhere they like. An open door for fraud and corruption is left by the Irrigation Department in the way they tax toddy trees. They tax every toddy tree which is above the height of 3 feet. What sane person can measure the height of these trees? Some may have curved branches, some may have straight branches; how are they to be accurately measured? For the first twelve years of a toddy tree's existence, it is not fit for being tapped for toddy juice. So also, a toddy tree which is below a height of nearly 12 feet is not fit to be tapped, but all these common-sense points of view have been given the complete go-by by the Irrigation Department, and the moment you have a toddy tree in your compound you are liable to be taxed. This toddy tree is, so to say, very obstinate. If you plant it deliberately, it will not grow. Supposing I plant 100 toddy trees, only five per cent. will survive, while they grow in abundance in a place like Mundhwa where on account of irrigation the

[Mr. N. B. Chandrachud]

soil has become marshy. The toddy trees are not watered by the water supplied by the Irrigation Department. The trees grow at random. They get water from the heavens, namely, the rain water, and yet the tax is levied by the Irrigation Department. You can see for yourself, Sir, what an open door for fraud and corruption is thus left.

In the Pravara Canals, they are introducing the system of classification of soils into A, B and C. What wise officer is entrusted with that duty and how efficiently that duty is being discharged? This classification of soils into A, B and C is in the first place left to be done by subordinate officers. What does that subordinate officer do? I will read it out from the report of Government itself. The Administrative Report for the year 1925-26 of the Public Works Department, Part II, Irrigation, says:

"A staff has been trained in soil classification."

We do not know who are the masters, who are the examiners, where the examinations are held.

"A staff has been trained in soil classification and subsoil survey work and large areas have been classified and so the time is ripe for an active policy of land drainage..... The cost of classification worked out to 24 acres to the rupee."

Supposing an officer gets about Rs. 100 per month, and he is entrusted with the classification of the soil, then the soil which he classifies every day is 100 acres, and the cost is 25 acres per Re. 1. For every classification of 25 acres, they have to spend only Re. 1. How do you suppose the classification is made? As a matter of fact, I do not think I am giving out any confidential information when I say that a number of officers in this department are under suspension. We have not the courage, the patience, the persistence and the capacity of the honourable member Mr. Nariman; otherwise, it is a thing worth going into.

Mr. C. S. C. HARRISON: May I ask the honourable member if he has any idea why the soil is being classified?

Mr. N. B. CHANDRACHUD: That is given in the report. They have made a classification because soil No. A is entitled to get water area, soil No. B may or may not get water, while soil No. C will not get any water from the irrigation department. I do not know whether the report is correct or incorrect, but whatever it be, on account of the classification of the soil, you have resorted to some arbitrary rules, and you have again opened the door for fraud and corruption, because there are several instances in which the soil which was originally classified as C has been now classified as A, or the soil which was originally classified as B has been now classified as A, and so on. A man who has money and influence is able to have his soil classified as A although it is C, while a poor man's soil is classified as C though it is really A.

In addition to the classification of the soil, they have introduced the block system, which is also another evil. Under the block system, the bagayatdar has to guarantee to Government that he will take water for six years. Supposing he becomes insolvent, or is unable to carry on his business, still he must pay for the water for six years. On account of the block system every holding is divided into blocks, and out of 6 acres only 2 acres are to be given for sugarcane. He cannot plant sugarcane on

[Mr. N. B. Chaudhary :—]

more than 2 acres; the other 4 acres are to be given for other crops. That is the block system. But on account of the block system, you will find that in the Pravara Canals more than Rs. 6 lakhs are in arrears, and many persons who had taken to agriculture have become ruined on account of the high and oppressive rates and the arbitrary and despotic manner in which the system is enforced.

Lastly, I come to the effluent, which is a child of the Government's own creation. All the sewage water in the Poona city, the cantonment and the suburban municipality is taken to a septic tank at Manjri, and there it is sold to the bagayatdars. These bagayatdars say "For God's sake, we do not want this water, because it does not serve as a manure, and the rate charged now is Rs. 126, whereas formerly it was Rs. 90." If a bagayatdar wants ordinary irrigation water, then he has to take this effluent water, and he has to pay for that as well as for irrigation water. They say "The effluent water does not serve any useful purpose; it is no good as manure. The quality of the jaggery on account of the effluent water is blackish, and it is liable to be decomposed soon and there are no customers in the market for jaggery which is turned out of this effluent water." But the department do not listen to this. They say "Unless you take the effluent, you will not be given even ordinary water." That is the arbitrary rule which has been introduced. Supposing I do not want this effluent water, the department say "No, if you do not want it, then you will not get even ordinary water for irrigation." I ask, why have such an arbitrary and nonsensical a rule? I say I do not want your effluent, I want only pure water; it may be good manure, but I am not concerned with it; I do not want it; it does not serve my purpose. But they say "Unless you take the effluent, and that too at our rates, you will not get ordinary water for irrigation." The report for the year 1926-27 says:

"Effluent from the Poona City sewage is pumped to the Experimental Farm at Hadapsar, where it is diluted with canal water and distributed both to experimental fields and to private lands. It is satisfactory to be able to record that the effluent has proved a very valuable form of manure and one which the people greatly appreciate. It is observed that no deterioration in the physical condition of the soil is caused, and that the outturn from crops is in no way inferior to that obtained by other methods of manuring."

As a matter of fact, people do not want this manure. Perhaps the reports are based on information which the officers have given you. The report further says:

"The crops irrigated on effluent were 254 acres of sugarcane, 10 acres of other perennials and 12 acres of seasonal crops. The assessment charges of the effluent area for effluent alone were Rs. 28,452."

Apart from sanitary considerations, people are very much opposed to this effluent. Why impose it on the people against their will?

Then to pass on to another point, our complaint is that the same officers are in the same position for the last several years. For years together, the same officer is in charge of the Poona Water Works, the same engineer, the same assistant engineer, the same contractor, and perhaps the same quality and quantity of goods are consumed.

The Honourable Sir GHULAM HUSSAIN : The Poona Water Works are not in my charge. I was formerly in charge of them.

Mr. N. B. CHANDRACHUD : So also. in the irrigation district there is the same engineer for the last several years. Of course one should be cautious in making remarks, but at any rate it gives rise to grave suspicions. Why give room for such suspicion ? Why keep the same man in the same place for the last ten or twelve years ? When an officer is in the same place for the last ten or twelve years, it becomes so to say a sort of family affair.

Therefore, I would make an appeal to the Honourable Member in charge. Of course, it would be wrong of us, ungrateful of us if we did not acknowledge the good that he has been able to do to Poona city in particular and to Poona district in general while he was in charge of Local Self-government portfolio. Now I give him this splendid opportunity. This opportunity can be utilised by him for doing good not only to the present generation, but even to future generations. Let him have the whole system revised ; let him have some definite rules. We find as a matter of fact that in the Irrigation Department there is hardly any rule. In the matter of land revenue, there is some system by which the assessment for the whole village cannot be raised more than 50 per cent. and the assessment should be revised every thirty years. In spite of such rules being in existence, if you raise the land revenue by 25 per cent. and 30 per cent. the result is a fierce agitation as you have had in Bardoli. Because the peasants are poor and submit meekly do not harass them. Many of them become insolvents. As you said I want you to hold the scale even between the two sides of the House. Government are not a marwari landlord and they do not expect their pound of flesh. The irrigation officer says that the Finance Member wants more money and therefore whether you are oppressed or not you must pay the water tax. That is the reply we get. I ask you to make some rules and make personal enquiries and see that people are not oppressed. I want you to take the Agricultural Department and the bagayatdars into confidence.

The Honourable Sir GHULAM HUSSAIN : All the rules were made in consultation with Dr. Mann, who was Director of Agriculture. Even now the Agricultural Department is consulted.

Mr. N. B. CHANDRACHUD : Take the bagayatdars into confidence. Frame rules in consultation with bagayatdars. Don't frame rules behind their back.

Besides, the Mutha, Nira and Pravara canals are first class works ; whereas in Madras and Gujarat the irrigated lands are used for rice cultivation, in the tracts irrigated by these two canals in the Deccan, sugar cane is cultivated. These tracts raise first class crops and contribute to the treasury and to the general prosperity of the country. The Irrigation Commission have stated that if Government get  $\frac{1}{4}$  per cent. by irrigation they may be held to get one per cent. more by the general prosperity of the country.

The Honourable Sir GHULAM HUSSAIN : I would be very glad if 4 per cent. could be obtained in the Deccan.

Mr. N. B. CHANDRACHUD : The Mutha canal is paying more than 4 per cent. With these words I support the cut moved by my honourable friend Mr. Jog.

Mr. M. D. KARKE (Kanara District) : Sir, I have to take part in the discussion that is going on in this House. In doing so, I heartily associate myself with what has been said by my honourable friend Mr. Jog. The progress made in the matter of irrigation in the Karnatak, I regret to say, is practically nil. If we look at the expenditure side under this head we find that under head of working expenses on productive works only Rs. 200 is provided for the next year. That amount has been handed down to us for the past so many years. On unproductive works only Rs. 8,570 has been provided. Look at the amount that is spent every year on this head. For the whole presidency the expenditure is nearly 71 lakhs. Out of this amount Rs. 9,000 comes to the share of Karnatak. Only two tanks under productive schemes are maintained at an expense of Rs. 100 each. The Mavinkoppa Mailkupa tank covers an area of 163 acres and the revenue derived from the water tax from the lands irrigated by this big tank is Rs. 15,506-6-0. There is a complaint that the water in this tank is leaking on account of defects in the tank. That has not been attended to by the department and that small sum of Rs. 100 is being spent on it. Under head "15, expenditure from ordinary revenue" we find that the same small amount is being spent in Karnatak ; for instance, for Dharwar division for maintenance and repairs only Rs. 600 ; under the head " Extension and improvement " not a single pie is budgetted to be spent. Take Dharwar Irrigation Division the provision made under head " Extension and Improvement is Rs. 8,000 ; for Belgaum Division the amount budgetted under that head is nil. In the Kanara division it pains me very much to say that both under " Maintenance and Repairs " and " Extensions and Improvements " the amount budgetted is nil. Not a single pie is being budgetted to be spent in Kanara. Last year at least Rs. 3,300 were spent on maintenance and repairs. Any honourable member who has served in Kanara will bear me out when I say that in some parts of Kanara cultivation chiefly depends upon the water supplied by these tanks. Take for instance the Haliyal taluka, parts of Yellapur, Sirsi and Siddhapur talukas and Mundagod Petha. In these areas there are numerous tanks, big as well as small. The history of these tanks are not known, whether they were built by this Government or by previous native governments or by village communities. But there are this day tanks which irrigate fields in the villages. All these tanks at the time of the original survey settlement were made the properties of Government. If they had been handed over to the village community it would have been a different thing altogether. But Government reserved the right over these tanks and in consideration of facilities these tanks afforded to the ryots in the matter of irrigation an extra amount as water rate was charged and that amount was consolidated with the land revenue. So, these people in these tracts not only are paying the actual land revenue but also water rates.

[Mr. M. D. Karki]

To one of my questions regarding a tank in the village of Manajvalli in the Sirsi taluka, Government have replied that in consideration of the facilities that that tank afforded to the people in the matter of irrigation an extra rate was levied and that was included in the land revenue. Unfortunately that tank became silted up and was afterwards given over for cultivation to a private gentleman. Now, there is no tank in its place and yet the people pay the water-rate. See the irony of fate in the Kanara district. I have given this as only one instance; there are many such instances in Kanara where even when the tanks have become silted up and thereby useless for irrigation, water rates are levied by Government.....

The Honourable Sir GHULAM HUSSAIN: Is that tank under the Irrigation Department?

Mr. M. D. KARKI: Some of the tanks are. Some of them have been classed as first class and others as second class.

The Honourable Sir GHULAM HUSSAIN: I do not know of any tank under my charge, for which people pay irrigation rates.

Mr. M. D. KARKI: Take the case of the Mavinkoppa tank. It is not in good condition: the water rate comes to about Rs. 15,506-6-0 annually and the amount for repairs is only Rs. 100.

The Honourable Sir GHULAM HUSSAIN: When it is in good condition, where is the need of spending more?

Mr. M. D. KARKI: No; it is not in good condition. There is a bad complaint that the tank requires immediate attention.

The Honourable MOULVI RAFIUDDIN AHMAD: Does it get dried up in summer?

Mr. M. D. KARKI: Sometimes, yes.

The Honourable Sir GHULAM HUSSAIN: Is it a first class or a second class tank?

Mr. M. D. KARKI: It was classed under first class; it is now second class; it was first class for a number of years.

Cultivation in Kanara is going down partly owing to the difficulties created by the policy pursued in the Forest Department and partly owing to the difficulty of irrigating the land. The tanks have not been taken care of nor have they been handed over to the village community after remitting the water rate included in the assessment. If they had been handed over to the village community they would have taken care of them from the beginning and would not have allowed them to silt up.

The Honourable Sir GHULAM HUSSAIN: We are discussing 13, Irrigation. I am not responsible for second class tanks.

Mr. M. D. KARKI: One was a first class tank.

The Honourable MOULVI RAFIUDDIN AHMAD: But somebody is responsible.

Mr. M. D. KARKI: Government is responsible.



[Mr. M. D. Karki]

Now, with regard to the water rates that are being fixed and levied in the taluka of Ankola, I wish to say that it is a new movement in our district. For many years we had no experience of these new water rates in Kanara. Only this year this system has been introduced in the taluka of Ankola and the *kolis* of Khatedars of "Khuski" lands are being made to pay water rate for water which they have brought from the nullahs in the forests through canals dug by them at their own cost. Government did not help them in digging the canals; Government did not advance even a part of the amount as tagavi; the khatedar landholders spent the amount from their own pockets to dig these canals and bring the water to their fields. The land was forest land originally; it was disafforested and given out for cultivation to the ryots. The ryots spent a large amount of money in levelling the land in the first place, and then in sizing it. They then dug these canals extending over a mile—in some cases even two or three miles—in order to bring the water to their fields. The cost of some of these canals has been about two to four thousand rupees. Is there any justification, I ask, in taxing the people when Government have not done anything? If the supply of water was permanent, the question would have been different: Government could then have told the ryot "You are using the water throughout the year; you are raising more crops and are thereby making profits; therefore, you should pay a certain sum to Government." But in this case the nullahs dry up during certain parts of the year; the canals are not used by him in the period of heavy rains; only during the latter part of the rainy season, in September and October, when there is a cessation of rains, he takes the water from the nullahs in the forest. I ask Government whether there is any justification in these circumstances to levy a water rate on these "Khuski" lands. Since the giving over of some of these lands to the cultivators, a land revenue revision settlement has taken place. That was completed by Mr. Maxwell. At the time he completed the settlement he was aware that the fields were being irrigated by the water of the nullahs in the forest by means of canals dug by the ryots, yet he did not take that into consideration and raised the assessment on that count. It is only now that a move is being made to levy this tax.

The Honourable Sir GHULAM HUSSAIN: Has it been levied yet?

MR. M. D. KARKI: Yes; there is an instance in which it has been recovered. I informed the Honourable the Revenue Member by a telegraphic message. I did not know that he was not responsible for it. The telegram informed him that the amount attempted to be recovered should be suspended because the Collector had agreed that he should go into the question again. This was not considered by him.

The Honourable MOULVI RAFIUDDIN AHMAD: How is that relevant to the present debate?

MR. M. D. KARKI: Because we pay this water rate to the Irrigation Department and not as part of land revenue. In Kanara most of the

[Mr. M. D. Karki]

lands which adjoin the hillside are cultivated with the aid of water from the nullahs in the forests. The aid of the water is sought for.....

Mr. G. WILES : On a point of order, Sir. Am I right in believing that we are discussing cut No. 71 ?

The Honourable the PRESIDENT : Yes.

Mr. G. WILES : Cut No. 71 relates to " XIII, Irrigation " which is for the Working Expenses on Irrigation Works. I should like to know whether irrigation works to which the honourable member has now referred pertain to the Public Works Department or works which are under the Revenue Department ?

The Honourable the PRESIDENT : I think the point of order is raised too late, but the point of order is pertinent certainly. This is a point about which the honourable member must be careful, that the cut No. 71 refers to a general discussion on the policy of Government under this particular demand.

Mr. M. D. KARKI : More or less it pertains to irrigation. Whether it is in charge of the Honourable the General Member or in charge of the Honourable the Revenue Member I have done my duty in bringing this fact to the notice of the Government. So I hope this question will receive the attention of the Government at as early a date as possible.

Mr. L. M. DESHPANDE (Satara District) : Sir, I agree with the honourable member Mr. Chandrachud that the rules framed under the Irrigation Act are very oppressive. The rules that are now in force were framed under the Act in 1922 and they have been amended subsequently every year as necessity arose. So, Sir, though the rules have been made without the bagaitdars having been consulted, still the enforcement of the rules has also been contrary to the spirit of the rules. I may point out that the rates of sugarcane have increased from Rs. 20 in Satara to Rs. 40 nearly. On page XXXV of the report issued by Government it is stated as follows :

" The existing Khodshi weir is a masonry structure built across the Krishna river. The capacity of the storage has been found insufficient to supplement the discharge of the Krishna river and to adequately irrigate crops dependent on the canal in the hot weather. "

Now, Sir, what happened is this. Seeing that there is abundance of water in the January-February months, the bagaitdars sow their sugarcane crop, and when they find that there is no water, they are compelled to take away the seeds sown. Still they have to pay the water charges for 3, 4, and 5 waterings even. They have to pay irrigation charges and they have to take away the seeds sown. That is the way how year after year the bagaitdars by this canal have to suffer. Another difficulty that is experienced by the people, in every part where the rules are applicable in the presidency, is that though the rule is that the excess area that is found at the time of the measurement should be charged, what happens is that nearly three times the water rate leviable under the ordinary rules is charged for the excess area of the crop.

[L. M. Deshpande]

It may be noted, Sir, that in the case of sugarcane if the excess area is one guntha more than that stated in the application, then 10 gunthas are charged for. So it will be seen that the bagaitdars have to pay very heavily on account of this because they are ignorant—that is admitted on all hands—it is not possible for the agriculturists to definitely mention in the application whether the measurement is 5 gunthas or 30 or 25 gunthas. One may say that he may fix it at a higher acreage or higher area, though the actual measurement of the area is less. Then what happens is this that he has to pay the full charge for the area as stated in the application. So he is at a double disadvantage. The reason is that he is ignorant, and it is not possible for him to give the exact area in so many gunthas. The sugarcane area is measured by the officers in charge of the Irrigation Department while the crop is being watered, and this being so, the bagaitdars are not liable to pay the fines according to rules. And still we find that the fine is levied and recovered from him. The fines levied on the Krishna Canal are very excessive, as was pointed to this honourable House in reply to my question. The amount of fines recovered by Government was 10 and 11 thousand rupees for 2 successive years, and I do not know what led Government in this report for 1926-27 on page 240 to delete this item of fines under the Krishna Canal. In the case of the other canals the head "Fines" is there, and though there is no credit for 1926, it is stated so only in the column for fines. But in the case of the Krishna Canal on page 240 the head "Fines" is altogether deleted. What is to be understood from this? Is it to be understood that there were no recoveries of fines from the bagaitdars of the Krishna Canal, or that the fines recovered have been added to some other head? That is the way in which the bagaitdars are made to suffer, and that is how we are prevented from bringing to the notice of this honourable House and particularly to the notice of the Honourable Member in charge of the department our real grievances. And to add to all these sufferings, a local cess has been imposed by the Local Boards Act of 1923. The local cess is charged on the irrigation cess and we have to pay local cess on the fines also that are imposed. Applications were made to the authorities, but all were returned without due consideration or were rejected. No local cess was levied in the last year; but this year it is levied and recovered also.

The Honourable the PRESIDENT: Is the honourable member likely to take long?

Mr. L. M. DESHPANDE: Yes, Sir, some five minutes.

(After recess.)

### ELECTION OF REPRESENTATIVES TO UNIVERSITY SENATE.

The Honourable the PRESIDENT: Order, order. There are a few facts which the honourable members ought to know or at least should be reminded of. First of all, as to the candidates, I think there

[The President]

have been further withdrawals. These honourable members have withdrawn their candidature :

Khan Saheb A. M. Mansuri,  
 Syed Miran Muhammad Shah,  
 Mr. Shaikh Abdul Aziz Abdul Latif,  
 Khan Saheb Abdul Latif Haji Hajrat Khan, and  
 Mr. J. C. Swaminarayan.

Five candidates have withdrawn, and there are seven candidates on the list, *viz.*

Mr. N. E. Navle,  
 Rao Bahadur R. R. Kale,  
 Dr. M. D. Gilder,  
 Dr. B. R. Ambedkar,  
 Khan Bahadur M. S. Khuhro,  
 Dr. M. K. Dixit, and  
 Mr. D. A. Janvekar.

Now, if the House remembers, the procedure that has to be followed is this, that each member has one effective vote only. Four candidates are to be elected, and, according to my ruling, the honourable member Mr. Munshi has to be one of the representatives of this House *ipso facto* ; that is to say, he has only to be returned, and has not to be technically elected. Therefore, there are four candidates who have to be elected. Now, all that the honourable members have to do is that they should put mark 1 against the name of the candidate who is their first preference ; mark 2 against the name of the candidate who is their second preference ; mark 3 against the name of the candidate who is their third preference ; and 4 against the name of the candidate who is their fourth preference. Nos. 1 to 4 should not be marked against one candidate. If honourable members do not wish to mark more than one, they may do so, but only one vote is to be given to him and no other candidate need be marked. If he is willing to choose four, he has only to put marks 1, 2, 3 and 4 against each name according to the preference he wishes to give to the candidates. Now, there are one or two matters which honourable members should know, which would disqualify the voting paper.

The ballot paper is deemed invalid (1) if it bears any identifying mark, that is to say, it should bear no identifying mark or signature ; (2) if no figure 1 or first preference is shown on it ; (3) or if the figure 1 is shown against the names of more than one candidates ; (4) if it is unmarked or void for uncertainty. Your first preference should be shown by putting the figure 1 against the name of the candidate who enjoys your first preference. That is very necessary because that is really the gist of the whole system of election.

[The President.]

If the scrutineers are able to give the result during the day, I will be very pleased to announce it before rising. If they are not ready, it will be announced to-morrow. Now the papers will be distributed and the ballot box is there.

*(Debate on Mr. Jog's motion resumed.)*

MR. L. M. DESHPANDE (Satara District) : Sir, it will be seen that the supply of the Krishna Canal about which I was speaking is diminished and yet the rate of charges is increasing. I will show from the very words of the report that the area irrigated is less and the reason given is that the decrease was due to sufficient and timely rainfall in the kharif season and insufficient supply of water in the rabi season. It will be seen that though there was timely and sufficient rainfall in the kharif season, still in the canal there was no water for the rabi season available.

In this connection I will bring to the notice of the Honourable Member in charge that a project which includes the construction of a big weir across the river Koyna for increasing the supply of water is under the consideration of Government. This scheme has been under the consideration of Government since 1909, but has not yet seen day light. The greater part of the eastern district which is always famine stricken, especially Tasgaon taluka, will get good advantage, and just as the people will get advantage, so also Government in their turn will get their dues in the form of land revenue at the proper time and without any grievance on the part of the ryots.

I have one last suggestion to make to the Honourable the General Member. It is this that the rules framed under the Irrigation Act are not available to the public generally. They are not available even to the honourable members of this House and not a copy of the rules is found in the library of this Council. I had to approach the Government in the Irrigation Department for a copy of the rules and I am obliged to them for making a copy available to me. But I request that a copy of these rules be placed on the Council table. With these remarks I resume my seat.

MR. N. R. GUNJAL (Poona District) (Addressed the House in Marathi) : Mr. President, I rise to support the motion. There are many complaints with regard to the Irrigation Department. The block system is very troublesome to the people. The primary object of irrigation was to bring under cultivation waste and uncultivable lands, and to convert them into bagayat land. Under the block system, if there is a plot of 10 acres, 8 acres will get water continuously and the remaining 2 acres go to waste. But the result of the 8 acres getting water continuously for 6 to 7 years is that they become useless for growing any crops. So, my suggestion is that the land should be divided into three portions, and each portion should get water only for 2 years. Otherwise, the land becomes useless for growing any crops, on account of the accumulation of water.

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Another complaint which I have to make is that the sugarcane which is now grown under irrigation requires huge sums of money for manuring. I think the average expense for manure only comes to about Rs. 250 per acre. Unless it is properly manured, there will be no good sugarcane crop. My suggestion therefore is that the block system should be abolished. The land should be divided into three divisions, and each division should get water for 2 years.

Another complaint that I have to make is that the irrigation authorities are responsible for a good deal of trouble to the agriculturists. From the patkari to the highest officer, they trouble the cultivators. If a cultivator has some difference with a patkari, and it is his turn to get water for his crop in a month's time, the patkari will postpone the time by a week, with the result that the crops of the man are spoiled. Complaints on this score to the higher officers are unheeded. I am sure the authorities must be receiving hundreds of applications of this nature. Only if the cultivator has some influence with the officers, is he able to get his grievances redressed: other cultivators' complaints do not receive any attention. In regard to the Mutha Canal irrigation scheme in Poona, blocks Nos. 27, 28 and 29 were not having a proper supply of water, and the bagayatdars' association made a complaint. The result was that they decided not to supply those blocks with any water. A resolution was then passed by all the bagayatdars that they would refuse to take any water from the department. But what the authorities did was to bring round to their side the president of the bagayatdars' association of Hadapsar and Loni Kalbhor. They were able to deal similarly with two or three persons from each association. Contrary to the rules, these persons were given more water, and the authorities managed to avert the threatened strike of the irrigators. My honourable friend from Satara has stated his complaints against the department. The reports of Government and Government themselves say that the revenue from irrigation is not enough to give more than 3 to 4 per cent. return on the expenditure. But let us look to the condition of the cultivators. It will be seen that wherever there is irrigation, the cultivators are indebted. I can say that when there was no irrigation perhaps 10 per cent. of the cultivators were in debt, but now 75 per cent. of them are in debt. Therefore, the irrigation rules and the Irrigation Act should be amended; the block system should be abolished. The reason for the indebtedness of the cultivators is on account of the high expense they have to incur. Taking land under command of a well, the expense for an acre of sugarcane will be about Rs. 200 to Rs. 250; but land under irrigation from the Government canals will require an expense of Rs. 500 to 700 per acre of sugarcane. My honourable friend Mr. Chandrachud says that it comes to as much as Rs. 1,000 per acre. Under the present system, the land requires heavy manuring. Manure costs money. If money is not borrowed for the manure, the crop is destroyed. Government are now constructing the Sukkur Barrage, under which lakhs of acres of land will become fit for cultivation.

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I think if Government consult experienced cultivators who grow crops under irrigation, they will get sufficient information which would enable them to avoid the mistakes which they have committed in the Deccan.

I then come to the rates. The main ground on which the rates are raised is that the revenue from irrigation gives only a very small return on the capital invested. But, I think it is absolutely necessary to reduce the rates.

In the Indapur taluka there is a small canal which irrigates three villages having an area of from 1,200 to 1,500 acres. The cultivators have not been getting good supply of water, though they are paying the water tax. A representation was made to Government that they should introduce block system in order to enable the people to utilise the water of the canal. Government have not paid any heed to their representation. The agriculturists of these villages have been incurring a loss and still Government remain silent.

In conclusion I wish to point out that Government should reduce the water rate and at the same time frame proper rules. If they carry out these two reforms they will have in return the contentment of the agriculturists which is an asset to Government.

Mr. C. S. C. HARRISON : Mr. President, the honourable member Mr. Jog started by criticising the policy of Government as being grossly unfair to Bombay and too partial to Sind. Sir, we have got to consider 2 main problems on a question like this and one of them, an extremely important one, is the financial problem. If Government are accused of being too partial to Sind, the Sindhis may well retort that they have a big share in new schemes because they pay for them. We cannot ordinarily undertake schemes unless they are paid for. Later on in his speech Mr. Jog objected to the high irrigation rates charged and the speech of the honourable member Mr. Chandrachud was full of woe about the high rates charged. In the Deccan it is extremely expensive to carry out irrigation projects. The flatter the country, the easier and cheaper it is to carry out irrigation schemes. That is the main reason why Government have not carried out more projects in the Deccan, than they have done—Government have first to undertake paying projects—paying from the taxpayers' point of view.

As a result of the Irrigation Commission's recommendations a hydro-graphic survey of the whole Bombay presidency was made and we have for further consideration some extremely fine projects both from the engineering point of view as well as from the point of view of indirect benefit to the people. These are not the only points of view we have to consider when these projects are brought before us ; we have to take into consideration the direct financial aspect of the project, as apart from its indirect benefit. That is the only reason why the Karnatak and parts of Deccan may appear to some honourable members to have been neglected. One honourable member regrets that the Karnatak has been included in the Deccan but, mayhap, the Deccan probably regrets that it is included in the Bombay Presidency ; it is all a question

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of degree. The honourable member from Poona complained that they did not get material benefit and that they paid high water rates. This of course is not true. I hope this honourable House will remember the noble offer which the honourable member from Gujarat made when he said his folk were prepared to pay for anything that was given to Gujarat by way of irrigation. He offered on their behalf to pay water rates that would produce interest up to 6 per cent. on the capital outlay. Government would jump at that offer provided that he is not, as he suggests, allowed to run the show himself. We can take it as a fine expression of opinion, if he is prepared to go to his constituency and ask the people to support any scheme of irrigation executed by Government and pay a return to the extent of 6 per cent. If the Deccan and Karnatak make a similar offer Government would, I feel sure, jump at it with joy and undertake more irrigation schemes.

The honourable member from Kaira also touched on the question of expenditure on maintenance and repairs which he said had greatly increased and was increasing. The greater the value of a property, the greater the care one must take to maintain it and keep it in good condition. I happened many years ago to visit one of the finest temples in the Nasik district and there I met a *sadhu*. In the course of conversation about the upkeep of temples he said that he would like to have a smaller number of temples with more attention paid to their upkeep. The trouble in India is that people in order to glorify their gods build magnificent temples, but they are reluctant to put their hands into their pockets to provide money for the proper upkeep of those edifices. In other words many of these edifices lack current repairs. I repeat therefore that the greater the value of the work the greater the money required to look after it.

The honourable member from Poona (Mr. Chandrachud) charged Government with issuing irrigation rules prepared by people who did not know the A B C of agriculture. That was a sly hit at the officers of the Irrigation Department. But, Sir, he gave himself away by proceeding to say that these rules were always issued by the Irrigation Department without consultation with the Agricultural Department. In particular he mentioned Dr. Mann. Well, between the years 1911 and 1919, it seemed to me that a good deal of my time was taken up by having to go from Kopargao to Poona to attend irrigation conferences at which officers of the Revenue and Agricultural Departments were also present, and I can remember that at every one of those conferences Dr. Mann was present as well as officers of other departments, and no rules were issued—I think he was really referring to the bund rules—and no rules were issued without full consultation with the Revenue Department and the Agricultural Department. Further, Sir, I would like to disabuse his mind of the notion that irrigation officers do not know anything about agriculture. I hold that if an irrigation officer has the slightest keenness for his work he must know a good deal about agriculture; otherwise he cannot distribute his water properly.



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Then the honourable member talked about oppressive water rates. Water rates become oppressive when the irrigators become inefficient. Now, it might surprise the honourable member to know, when he complains of sugarcane water rates round about Rs. 40 or Rs. 50, that in Java irrigation water is supplied by private companies who charge as much as Rs. 225 to Rs. 250 an acre for it, and yet Java is able to compete with India and, as the honourable member complains, to sell Java sugar in India at a price less than that for which Indian produced *jaggeri* can be sold. That shows that grave faults lie in other directions: it is not the question of water rates.

Further emphasis was given to that point by the honourable member who spoke last, Mr. Gunjal. Mr. Gunjal talked a good deal on the block system, and he pointed out that the greatest evil under irrigation is too much manure, and he might have also added too much water. He also compared the cost of sugarcane irrigation under well water with that under canal water. What he said was perfectly true, but he does not seem fully to realise the points he was marshalling. In the first place, we know that the two great evils in the Deccan sugarcane industry are over-manuring and over-watering; these evils are absolutely inter-dependent on each other. If you apply a small amount of manure for sugarcane then you require only a small amount of water: but if you apply a large amount of manure you require a large amount of water; and it is very difficult to reduce that vicious circle—it is nothing but a vicious circle—which is being brought on by the cultivators themselves; and let me assure the House that that is done against the advice of the Irrigation and Agricultural Departments. This evil is being fought from as far back as 1911, and many of the better cultivators of the Godavari and Pravara Canals did take a leaf from the book of knowledge of the Agricultural Department and stopped this practice of applying excess manure. The remedy for the evil lies in the hands of the cultivators.

The honourable member Mr. Gunjal also spoke about indebtedness. That, I take it, was a plea for lighter irrigation assessments. Sir, no matter how rich Government can make a community it cannot keep that community from getting into debt; and the tendency throughout the world is that the richer people get the more extravagant they become in their tastes. I can remember, I can still picture now the extremely poverty-stricken condition of the people as far back as 1906 when I was surveying the first alignments of the Godavari and Pravara Canals. When I left the tract in 1919, that is eight years after the water in the canals began to flow, I can assure the honourable members of this House that it was a totally different country. The half-starved people had grown rich and the once barren countryside was like a garden land. Despite this I cannot say that these people are now better off as regards their bank balances, because they are living at a much higher standard of life than they lived before.

The honourable member Mr. Gunjal also criticised the block system and he said that the land required fallows. The land does not require

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fallows if it is properly rotated with suitable crops ; that has been proved beyond dispute. Many irrigators think that they can go on year in and year out growing sugarcane and to do that ; they use more manure and try to use more water. They fail, and then they turn and kick against Government. The condition produced is due entirely to their own fault. It has been laid down by the Agricultural Department exactly what crop rotations should be adhered to. In the *pathasthal* lands in the Baglan taluka of the Nasik district some of the finest irrigation in India is practised and we do not have to teach these cultivators anything at all and yet the type of cultivation practised by the cultivators in these *pathasthal* lands in Baglan taluka has covered, probably, 200 years. The necessity for good cultivation is therefore nothing new. Let the cultivator endeavour to mend his ways.

Then, Sir, the honourable member from Poona (Mr. Chandrachud) to my great surprise stated that the cultivators did not require the effluent water that is supplied at Hadapsar. I understand there is very keen competition to get hold of that land and the privilege of using this effluent mixed with canal water. I am sure that the local officers will be surprised to hear his charge. He also states that this water is being forced on the people at a very high rental. I am certain that there are many thousands of people willing to exchange position with these men at Hadapsar and to have the privilege of getting the effluent water mixed with canal irrigation water. He mentioned the rate for such supply to be Rs. 100 an acre ; that might sound high to many honourable members of this House, but we have got to remember that what is supplied is water mixed with very valuable nitrogenous manure.

I think, Sir, that I have covered most of the points dealt with by honourable members.

MR. HAJI MIR MAHOMED BALOCH (Karachi City) (In Urdu) : Sir, if you refer to page 265 of the Blue Book, you find that 2 lakhs of rupees have been spent for 15, Irrigation in Sind.....

The Honourable the PRESIDENT : It is XIII-Irrigation which we are discussing, and it pertains to Deccan and Gujarat only and not to Sind.

MR. V. N. JOG (Dharwar District) : Sir, the first objection which has been raised by the honourable member who spoke for Government is that whenever the irrigation schemes are to be undertaken, we have to consider whether these irrigation schemes will pay for themselves, and from that point of view, the Sind irrigation has taken place and rather the Presidency proper has been very favourably considered in this respect. I beg to submit, Sir, that this means that the Deccan irrigation including the Karnatak is not a paying proposition. We have to see whether the Sind irrigation would be a paying proposition hereafter, because we have not yet seen the results of that big scheme. No doubt now the expectations are very bright, but we have to see whether that will be a paying proposition, we have to see the results in the long future. But as I have

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already submitted that when irrigation is to be considered, not only we have to consider from the business point of view, but there are also other considerations, namely, the general prosperity of the country. In this connection the indirect results also have to be taken into consideration. If rain fails in a certain portion, you know that there are many times when the revenue has to be suspended and also remissions have to be given. If these remissions have to be given, then we have also to take into consideration the value of these remissions. We cannot always consider only the direct revenue which is to be derived from these works. Then I refer to a complaint with regard to the Karnatak being included in the Deccan. When I was referring to this portion, no doubt it is in the Bombay Presidency, but when I was referring to this part of the country, I was referring to it from the point of view that not only in irrigation but also with regard to other improvements and other amenities, this portion was neglected, and in this connection we have also to see that even distribution of the revenue is properly made. I do not want to stand in the position of saying that all the revenue which has been derived from the Karnatak is spent somewhere else, but I say that Government should consider that the revenue which is rather deficient should be compensated from the other sources from which Government makes revenue. For instance in the Karnatak, there are the big forests of Kanara from which Government derive a lot of revenue. So we cannot look it from only one point of view and say that the irrigation on account of the soil of the country and its position would be a failure. Similarly I can also suggest that if proper irrigation is undertaken in Karnatak and if it is found that the agriculturists are benefited and their economic condition is improved, people will also come forward, take advantage of the benefits and pay more taxes to the Government. But unless all these things are done, we are not in a position to say exactly what the taxpayers would do.

Then it is said that the taxes are oppressive, and it is contended that the taxes become oppressive because the irrigators on the lands do not know their business and they do not do it properly. But whose fault is that? The agricultural department is there and before these irrigation schemes are undertaken, if Government had taken proper precautions to educate the people, in a way as to how the water was to be used, to what degree and to what portion of the land, then I beg to submit, Sir, that these mistakes which have been committed by the agriculturists would not have been committed. It is no use complaining that they put more manure and more water and waste the agricultural farms. Agricultural propaganda ought to have been taken in hand beforehand and they ought to have been taught by expending more money on agriculture and showing them after they began to get water how the water was to be used and to what extent, and unless these things are taught to the agriculturists it is no use complaining that the agriculturist is wasting water and manure and therefore he is unable to pay high rents. It is also said, Sir, that the agriculturists are spending more because they are getting richer, and therefore there is a tendency to become extravagant. I beg to submit, Sir, that this is quite a wrong notion. No doubt they

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might be spending more because they have to spend more in certain circumstances. But it cannot be said that as they are spending more, therefore they have got much money, and therefore they are careless about their manure and money. With these remarks, Sir, I take my seat.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I thank the honourable House for the criticisms that have been levelled against my department. Most of these criticisms have been answered very effectively by the honourable member, the Chief Engineer of the Sukkur Barrage, who has good experience of irrigation works of the Bombay Presidency proper also. Now, Sir, the mover of this cut says that we should not take up irrigation works as business propositions merely, but we must take into consideration the fact that these works are undertaken for improving the economic condition of the people. Well, I may assure this honourable House that all the Irrigation works that have been undertaken in the Presidency have been undertaken with that object in view. I will presently show to this House that we have spent nearly 10 to 11 crores of rupees up to this time in the Presidency proper on irrigation works which have not been able to give more than a 2 per cent. return. Therefore, I assure this honourable House that we do not undertake irrigation works because they are paying propositions or because Government want to make money. But it is only natural for any Government to give preference to any project which will be a paying proposition.

Then, my honourable friend says that irrigators are responsible for increasing the cost of cultivation by using more water and more manure, and it is the duty of this Government, especially the Agricultural Department, to teach them new methods of cultivation. Well, my honourable friend, the Honourable Minister in charge of Agriculture, has listened to that. I am sure he will take up the matter and see what can be done in that direction. My function ceases after I supply the water.....

The Honourable Mr. B. V. JADHAV : I am prepared to do as much intensive propaganda work as possible, if funds are provided.

The Honourable Sir GHULAM HUSSAIN : Now, Sir, there was a good deal said here about irrigation being a paying proposition, etc. That has been effectively refuted by the honourable member, the Chief Engineer, Barrage.

Then, let us settle the rivalry and jealousy, Sir, between the three divisions here.

Rao Saheb D. P. DESAI : What I said was only this, that irrigation works to the extent of 2 crores and 93 lakhs are not paying a sufficient return; so the matter should be investigated. According to my view, the overhead charges, that is, establishment and working expenses, were more. If they were reduced, then these works also may be productive.

The Honourable Sir GHULAM HUSSAIN : I assure my honourable friend that I will look into every point that has been raised here in the

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debate to-day. Now, I will start with my honourable friend opposite to me representing Gujarat. As he himself has said, there has been Rs. 24½ lakhs capital expenditure on Gujarat. I would point out again to this honourable House that we do not get on that capital expenditure even the working expenses. Now, Sir, my honourable friend from Gujarat will be pleased to note that we have not forgotten Gujarat at all. The interests of Gujarat are as dear to me as those of Sind or any other part. (Hear, hear). But I am afraid, Sir, my honourable friend opposite to me knows that we have a scheme in hand which is nearly ready, and which will benefit Ahmedabad. Then, he raised an issue and said, if I rightly understood him, "You should not undertake that scheme first" .....

Rao Sahab D. P. DESAI : No, no : that was not my view. What I said was that I cannot assure 6 per cent. return on that. For Kaira district I can be responsible : for other schemes I cannot be responsible.

The Honourable Sir GHULAM HUSSAIN : The Meshri scheme is under preparation and survey work in connection with reservoir on the .... canal is nearing completion. This is for the benefit of Gujarat. Well, I won't calculate in pounds, shillings and pence what exactly will be for the benefit of Ahmedabad or Gujarat. As soon as it is ready, we will try to bring the scheme before this honourable House and proceed with it. But as my honourable friend is very anxious that all the schemes in regard to the Kaira district should be undertaken provided they pay 6 per cent. return, I welcome every scheme that he suggests, and will bring them before this honourable House, and I will give them preference over every other scheme.

Now, coming to the points made by my honourable friend from the Deccan, I might inform honourable members that we have sunk in the Deccan about 9 crores and 33 lakhs of rupees in the various projects, and they have not been able to pay us anything. I therefore call them unproductive and protective. All these schemes hardly pay 2·13 per cent. The total amount we realise is barely 2·13 per cent. ....

Rao Bahadur R. R. KALE : In the shape of revenue you get a lot ; otherwise remissions would have been given.

The Honourable Sir GHULAM HUSSAIN : Now, the interest that has to be paid on this capital expenditure comes to about 4½ crores. So, we have spent in the Deccan about Rs. 13½ crores in all. So, the Deccan cannot complain. But we do not want to stop there. We are investigating certain other schemes also, and, as soon as funds permit, we will undertake them. The Nira Right Bank Canal is now approaching completion. The work on the dam is nearly completed. The Nira Left Bank Canal Project has been in progress, and investigations for remodelling the Right Bank Canal and for increasing the supply of water at Khadakwasla are in hand. My honourable friends from the Deccan may note that it is often said that that tract is always treated with favour in regard to road, in regard to education and so it is in regard

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to irrigation also. So, I hope that will satisfy them that the Deccan is not neglected. We have more schemes in hand, and we propose to undertake them hereafter.

Coming to my honourable friend from the Karnatak, I might assure him that capital expenditure to the tune of Rs. 24½ lakhs has been already incurred, and even though that capital expenditure does not pay us, we are spending money in the Karnatak to the tune of Rs. 17,75,000 .....

Rao Bahadur S. T. KAMBLI : Is it not a fact that Government are selling water for Rs. 15,000 to the Gokak Water Power Company at Gokak ?

The Honourable Sir GHULAM HUSSAIN : No honourable member had raised that point. However, I will take that point too into consideration. Now, I might inform the honourable members that we are making a survey for a dam and a weir on the Meshwa river in the Belgaum district. As soon as that survey is completed, we will try to proceed with the work and bring the demand for that purpose before this honourable House.

On the whole the money that we have spent as capital expenditure in the presidency proper does not pay us more than two per cent. Therefore the honourable members of this House will see that we do not undertake irrigation schemes because they are productive. We undertake them in some places, whether they are productive or not, and we have undertaken even unproductive schemes for the purpose of protecting the people and improving their economic condition.....

Rao Saheb D. P. DESAI : Will that policy be continued in future ?

The Honourable Sir GHULAM HUSSAIN : So far as the presidency proper is concerned, we are doing and will do what we can.

If we come to the expenditure out of revenue, even then we spent ten lakhs in the presidency proper, and it does not pay us more than 5 lakhs in return. Therefore, honourable members of the presidency proper have no cause to complain. However, I will try to look into every point raised in this debate, and with this assurance I hope the honourable mover will withdraw his motion for a cut.

Mr. V. N. JOG (Dharwar District) : I beg leave, Sir, to withdraw my motion.

Question put and leave granted.

Mr. V. N. JOG (Dharwar District) : Sir, I beg to move

Reduce by Rs. 100—Total (Voted, Amount Rs. 7,29,000 (Public Works Department B. page 5.)

With regard to this cut I submit Sir, admittedly there is no capital account kept and naturally it is not expected that it should be a productive affair and a paying proposition. I have therefore to make the same

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remarks more or less as regards the portion of the territory from which I come, that sufficient amount is not spent. We have not got any big irrigation scheme in that portion. So, at least there should be the consolation that at least more money under this head is spent in that form because this is after all the only way to develop the country though in a small way. Many tanks are silted up ; waterways are damaged. Particular attention should be paid to make repairs in time.

With these remarks, I move the cut.

Question proposed.

Rao Bahadur B. R. NAIK (Surat District) : Sir, as no large irrigation schemes or any sort of such works exist in my district of Surat, I will confine myself to the small irrigation tanks that are there. In this connection, I want to bring to the notice of the Honourable the General Member that first and second class tanks in my district have been neglected, and they are all in a very bad condition. They are fetching revenue to Government for supplying their water, the agriculturists are paying to Government rate (Himayat assessment) and yet Government have not repaired them and are not repairing them. Two high officers of the state have been recently touring round my district. They have inspected some of these tanks in two talukas but as their report is not yet published, I cannot give out their opinions at present. I am sure, however, that when their report is published, the statements I make now will be fully borne out. During ten years from 1914 to 1924 Government derived in the shape of water rate (Himayat) Rs. 4,22,000 from these tanks while they spent only Rs. 77,000 towards repairs. This is the state of affairs which has to be remedied immediately. The matter was brought to the notice of the predecessor of the present Honourable the General Member and he assured us that Government had been paying their attention to the condition of these irrigation tanks in the Surat district.

There is another thing which I.....

The Honourable Sir GHULAM HUSSAIN : May I know from the honourable member whether there are any first class tanks in the Surat district which are in charge of the Irrigation Department ?

Rao Bahadur B. R. NAIK : I do not know in whose charge they are but they are known as irrigation tanks and I believe they are in charge of the Irrigation Department but are being maintained and repaired by the Executive Engineer of the district.

The Honourable Sir GHULAM HUSSAIN : Are they first class tanks and are they not in charge of the Revenue Department ?

Rao Bahadur B. R. NAIK : I do not know, Sir, this technical point, whether they are in charge of the Honourable the Revenue Member or the Honourable the General Member, but one thing is certain that they are called irrigation tanks and they are maintained as irrigation tanks.

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What I maintain is this that these water charges are meant for keeping these tanks in good repairs and if Government were to charge a particular rate in the form of Himayat it is the duty of Government to keep them in repairs and in such condition that the agriculturists can get the benefit out of them or else the rates (Himayat) must be refunded or should be abolished altogether.

As regards the grants for water supply which used to be given to the local boards from the Famine Insurance Fund and which used to be placed at the disposal of the Commissioners, I do not think that this comes under this head.

One word more about some bandharas and small reservoirs of water in my district. Last year or the year before last, if I recollect rightly, the Honourable the General Member had admitted that a project was under consideration several years ago for an irrigation scheme from the river Tapti but it was abandoned. If there is no scope for any such large irrigation schemes in the Surat district, certainly, I would suggest to the Honourable the General Member to make enquiries and if he does so, he will find plenty of scope for small bandharas on the Kolak river in Pardi taluka and on the other rivers in Bulsar and Chikhli talukas. At a small expenditure of money these reservoirs and bandharas could be constructed and, if constructed, they would do immense good to the agriculturists of my district. Those who have seen the land of Pardi taluka will bear me out when I say that though the land is not good for dry crops, it is suitable for garden crops, but they cannot be grown without water facilities. I therefore suggest that this suggestion of mine may be taken up by the Honourable the General Member and enquiries made in this connection.

The honourable member the Chief Engineer for Sind has stated something about the water rates in the Deccan and in Java. He has stated that Government are charging Rs. 200 per acre for supplying water in Java, while in the Deccan they are charging Rs. 50 or so per acre.

Mr. C. S. C. HARRISON : Not Government, but private companies.

Rao Bahadur B. R. NAIK : It may be private companies, but he should also have given the yield in Java and in the Deccan. For his information I may say that in India  $2\frac{1}{2}$  millions of acres of sugarcane give 2 million tons of sugar, while in Java the yield from half a million acres is  $1\frac{1}{2}$  million tons of sugar, which is 4 times more than that of India.

Mr. C. S. C. HARRISON : That is due to better cultivation : they do not waste the water.

Rao Bahadur B. R. NAIK : So, I say that if the yield is more, the agriculturists can afford to pay higher rates. If Government try to increase the yield of any particular crop here the agriculturists could afford to pay something more in the form of water rates or in the form of land revenue.



[Rao Bahadur B. R. NAIK]

I again bring the matter to the notice of the Honourable the General Member that he will pay due attention to the condition of these tanks in Surat district. With these remarks, I support the cut.

The Honourable Sir GHULAM HUSSAIN : Sir, out of revenue under XV, we are spending every year Rs. 10,50,000 on the various works in the presidency proper. What is the total revenue that you get ? It is Rs. 5,24,000.

Coming to the Karnatak and to the complaints of my honourable friend from Dharwar, we will try to do as much as we can for that district.

Mr. M. D. KARKI : What about Kanara ?

The Honourable Sir GHULAM HUSSAIN : There seems to be some confusion in the minds of some honourable members with regard to certain tanks. I am only in charge of first class irrigation tanks. There are also minor irrigation tanks ; they are second class tanks, but they are not under my charge. But I assure my honourable friend from the Karnatak that the claims of the Karnatak will be taken into consideration. If he has any definite suggestions to make about the irrigation works in my charge, I will consider them.

My honourable friend from Surat has also stated that we realise certain revenue, but do not spend much in the Surat district. As regards irrigation works, my information is that from the irrigation works in my charge, we realise from the Surat district about Rs. 38,711 and the average expenditure is Rs. 51,044. Therefore, if the honourable member makes any suggestions to me with regard to any works which are in my charge and which are not being repaired, I will take it into consideration.

Mr. M. D. KARKI : Why has no provision been made for the Kanara division this time ?

Rao Bahadur B. R. NAIK : I would like to know from the Honourable the General Member which works cost the amount which he has stated. There are no such irrigation works in Surat.

The Honourable Sir GHULAM HUSSAIN : First class tanks are in my charge, and the income appears to be from those first class tanks. The expenditure is for Surat and Broach districts together.

Mr. V. N. JOG : I thank the Honourable Member for the assurance he has given, and I beg leave to withdraw my motion.

Question put and leave granted.

Original demand for a grant of Rs. 71,65,000 under Irrigation, including working expenses (reserved) put and carried.

## RESULT OF ELECTION OF REPRESENTATIVES TO UNIVERSITY SENATE

The Honourable the PRESIDENT: As to the result of the election to the Senate of the Bombay University, I am glad that the scrutineers have been quick enough, and I will declare the result: Khan Bahadur M. S. Khuhro, Mr. N. E. Navle, Dr. M. D. Gilder and Rao Bahadur R. R. Kale are the four honourable members elected according to the system. The fifth member is Mr. Munshi, who is automatically returned.

## DEMANDS FOR GRANTS

The Honourable Mr. G. B. PRADHAN: I make a demand for Rs. 20,000 under 19, Interest on Ordinary Debt.

The Honourable the PRESIDENT: What about the second one?

The Honourable Mr. G. B. PRADHAN: It is the statutory obligation, that is Rs. 10 lakhs from the general balance and Rs. 11 lakhs and odd from the Famine Fund which are put down under Sukkur Barrage. There is a cut with regard to that by the honourable member Mr. Baloch.

The Honourable the PRESIDENT: There is a motion by the honourable member Mr. Baloch to omit total demand Rs. 21,79,000, which is out of order. The honourable member will remember that there is no demand to that effect at all. Secondly, I wish honourable members to remember in future that there cannot be a motion to omit the total demand. Honourable members desiring that the whole demand should be omitted can certainly raise a discussion; the motion to omit the total demand is a negative motion. That is no cut. Besides, the motion that is put down here is not with reference to any demand which has been made.

Question put and carried.

Mr. HAJI MIR MAHOMED BALOCH (Addressed the House in Urdu): Sir, my motion is to omit the total demand of Rs. 21,79,000, and I want to discuss the head to which it relates

The Honourable the PRESIDENT: It will fall under 55; there is time for that yet.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): That is a different matter.

The Honourable the PRESIDENT: The honourable member is referring to page 52 of the Blue Book. Will the honourable member the Finance Secretary explain to which demand the motion of the honourable member refers?

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): As regards the expenditure on Sukkur Barrage, the sanction for meeting it from the Famine Insurance Fund has been obtained from the Secretary of State. I want to discuss the question why the expenditure has been allowed to be met from the ordinary revenue.

The Honourable the PRESIDENT : The honourable member can discuss it under head 55. Irrigation.

Mr. HAJI MAHOMED BALUCH : It is put under 16, Irrigation.

The Honourable Mr. G. B. PRADHAN : This is a transferred head. Under this head the division is shown : two sums, one from the revenue and the other from the famine grant. The honourable member can safely discuss under head 55, Irrigation.

The Honourable the PRESIDENT : The honourable member is anxious that no objection should be raised when he rises to discuss it under 55.

The House is adjourned to 1 o'clock to-morrow Wednesday, the 6th March 1929.





*Wednesday, the 6th March 1929.*

The Council reassembled at the Council Hall, Bombay, on Wednesday the 6th March 1929, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ADDYMAN, Mr. J.  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 AMIN, Mr. H. J.  
 ANGADI, Rao Bahadur S. N. .  
 ASAVALE, Mr. R. S.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHURGRI, Mr. J. W.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. C. S. C.  
 HOTSON, the Honourable Mr. J. E. B.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS, DOULATRAM, Mr.  
 JANVEKAR, Mr. D. A.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN

JITEKAR, Mr. HAJI Ibrahīm HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHURRO, Khan Bahadur M. S.  
 KNIGHT, Mr. H. F.  
 LAHARI, Khan Sahēb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALLJEE, Mr. HOUSEINBOY ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LUGADE, Mr. S. P.  
 MACKIE, Mr. A. W. W.  
 MACLACHLAN, Mr. D.  
 MANSURI, Khan Sahēb A. M.  
 MARTIN, Mr. J. R.  
 MURJUMDAR, Sirdar G. M.  
 MUKADAM, Mr. W. S.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NARIMAN, Mr. K. F.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Sahēb D. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 RAHINTOOLA, Mr. HOUSENALLY M.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO, ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. CHHOTALAL R.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 SYED MUHAMMAD KAMIL SHAH  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the

THORNER, Mr. J. P.  
TURNER, Mr. C. W. A.  
VANDEKAR, Rao Saheb R. V.  
WASIF, Mr. G. A. D.  
WILES, Mr. G.  
WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT : Order, order : Questions.

PRIMARY EDUCATION : SCHEMES OF DISTRICT LOCAL  
BOARD, POONA.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state when the schemes of compulsory education of the Poona district local board are likely to be sanctioned ?

The Honourable MOULVI RAFIUDDIN AHMAD : As soon as the financial situation improves and requisite funds become available to enable Government to meet their share in the cost of the scheme.

Mr. A. D. SHETH : What about those 15 lakhs sanctioned every year for compulsory education in the budget and mentioned even in the budget for 1929-30 ? Will not the money come out from those 15 lakhs ?

The Honourable Mr. B. V. JADHAV : Which 15 lakhs ?

Mr. A. D. SHETH : The fifteen lakhs for compulsory education mentioned as such in the budget estimates.

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know what the honourable member refers to. If the honourable member will give me notice, I will give a reply.

Mr. W. S. MUKADAM : Will Government be pleased to state when the financial position of Government will be better ?

The Honourable MOULVI RAFIUDDIN AHMAD : That question should be addressed to my honourable friend the Honourable the Finance Member.

Mr. A. D. SHETH : Government have in this very budget under discussion a grant of 15 lakhs for compulsory primary education.

The Honourable Mr. B. V. JADHAV : In what page of the Budget ?

The Honourable MOULVI RAFIUDDIN AHMAD : You mean those fifteen lakhs ? I have formerly answered a question that that money has been reserved for the pay of teachers which is under consideration ; we cannot spend that money which is reserved for the pay of teachers.

Mr. A. D. SHETH : In the budget of 1929-30 there is an amount of fifteen lakhs reserved for expenditure on compulsory education.

The Honourable MOULVI RAFIUDDIN AHMAD : We do not say that it will not be spent ; if possible this will also come out of that, but we cannot say that now.



Mr. A. D. SHETH : So far as the subject matter of this question is concerned, the material position is already such that it allows an expenditure of 15 lakhs. There is no question of funds permitting or the financial condition impeding.

The Honourable MOULVI RAFIUDDIN AHMAD : It is always a question of funds permitting, because there are various schemes which may require preference.

Mr. W. S. MUKADAM : May I know whether any scheme is under the consideration of Government to better the financial situation of the Presidency ?

The Honourable the PRESIDENT : That question is not relevant in relation to the present question.

Mr. A. D. SHETH : How many schemes are Government going to finance out of these 15 lakhs ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not carry all the schemes in my head. If the honourable member will give me notice, I will answer his question.

Mr. A. D. SHETH : The Honourable Minister must know the schemes, for which he has asked for money and for which 15 lakhs have been granted.

#### AIDED SCHOOLS : MATRICULATION EXAMINATION AND SPECIAL GRANTS.

Rao Bahadur R. R. KALE on behalf of Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the number of pupils sent up for the matriculation examination in 1928 by each aided high school in the Bombay Presidency ;

(b) the percentage of passes secured in the matriculation examination by each such school ;

(c) the highest amount of special grant received by any of the schools ;

(d) whether Government have considered the question of reducing the amount of special grants with a view to pay the full amount of ordinary grant due to institutions which have been underpaid owing to lack of funds ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) and (b) The Honourable Member's attention is invited to the Report of the Syndicate of the Bombay University for the year 1927-28 which is laid on the Council table.\* The requisite information is contained in this Report.

(c) Rs. 995.

(d) The total amount of special grants paid to aided schools being comparatively small, any reduction in them will not materially affect the ordinary grants.

Rao Bahadur R. R. KALE : The answer to question (c)—the highest amount of special grant received by any of the schools—is Rs. 995. May I know which schools, whether one or more, received this highest grant ?

\* Kept in the Secretary's Office.

The Honourable MOULVI RAFIUDDIN AHMAD : I will give a reply to that in a short time.

**BARRAGE AREAS : PREVENTION OF WATERLOGGING.**

Rao Bahadur R. R. KALE on behalf of Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that the Royal Commission on Agriculture has recommended that the water requirements of the crops which will be grown in the Barrage area when perennial irrigation is assured should be determined as soon as possible and that from the outset, investigations should be carried out with a view to ensuring that the problems which have arisen in other irrigated tracts from waterlogging and alkaline formations do not appear in this tract ;

(b) what exact steps have been taken by Government to carry out these two recommendations ;

(c) when do Government expect to announce the result of the investigations ?

The Honourable Mr. B. V. JADHAV : (a) Yes.

(b) It is not possible within the limits of this reply to describe the experiments and tests in detail. The staff at the Sakrand Agricultural Research Station is devoting its attention to the investigation of these problems.

(c) No definite announcement can be made until the results of the tests now being taken have been verified over a series of years.

Mr. H. B. SHIVDASANI : When will the results be verified ?

The Honourable Mr. B. V. JADHAV : I refer the honourable member to the reply (c).

Mr. H. B. SHIVDASANI : That does not mention a definite period.

The Honourable Mr. B. V. JADHAV : I am sorry I cannot give any definite period, because the results of these experiments are not at my command.

Mr. H. B. SHIVDASANI : What is the basis for the Sukkur Barrage scheme ?

The Honourable Mr. B. V. JADHAV : Experiments are being carried on at Sakrand under Sind conditions.

Mr. H. B. SHIVDASANI : In the Barrage project an estimate of income has been made on a certain basis ; has that been verified ?

The Honourable Mr. B. V. JADHAV : I am sorry I do not understand that question.

Mr. H. B. SHIVDASANI : In the Sukkur Barrage project it is estimated that a certain quantity of water will irrigate a certain area of land and estimates of income have been prepared on that basis. We are now told that Government have not yet satisfied themselves about the water requirements of certain crops.

The Honourable Mr. B. V. JADHAV : Experiments are being carried on at Sakrand to find out the quantity of water that will be required for various crops, and I think it will be two or three years before we can say definitely how much water will be required for a particular crop.

Mr. H. B. SHIVDASANI: The income estimated from the Barrage may not be realised if the duty is not realised.

The Honourable Mr. B. V. JADHAV: I would leave that question to be answered by the Honourable Member in charge of Irrigation.

Mr. H. B. SHIVDASANI: Then, I put that question to the Honourable the General Member. The estimate of income from the Sukkur Barrage was 2,20 lakhs.

The Honourable the PRESIDENT: How does that question arise out of this?

Mr. H. B. SHIVDASANI: It is a question of requirements of water for cultivation of crops.

The Honourable the PRESIDENT: Out of which part of the reply does this question arise?

Mr. H. B. SHIVDASANI: Out of part (a). The question is—

“What comment do you place on the statement, whether it is a fact that the Royal Commission on Agriculture has recommended that the water requirements of the crops which will be grown in the Barrage area where perennial irrigation is assured should be determined as soon as possible and that from the outset, investigations should be carried out with a view to ascertaining the problems which have arisen in other irrigated tracts from waterlogging and alkali formation do not appear in this tract?”

The Honourable the PRESIDENT: The reply is “Yes.”

Mr. H. B. SHIVDASANI: On what basis have Government begun the experiments to determine the water requirements of the crops grown under the Barrage?

The Honourable Mr. B. V. JADHAV: I cannot say on what basis, as I am not in possession of facts. It is a question for the Honourable the General Member.

The Honourable the PRESIDENT: Is the Honourable the General Member prepared to answer that question?

The Honourable Sir GHULAM HUSSAIN: No, Sir.

Mr. HAJI MIR MAHOMED BALUCH (Karachi City): May I know whether drainage has been undertaken to curtail the waterlogging in the Barrage area?

The Honourable Sir GHULAM HUSSAIN: Drainage has been undertaken.

Rao Sahab D. P. DESAI (Kaira district): Is the Honourable the Minister for Agriculture aware that when he visited the Sakrand Agricultural Research station and examined the different tests given to different crops, that is crops as cultivated according to different duties obtaining in the Barrage zone, he found that the jowari crop would not grow satisfactorily under the duties provided for in the barrage scheme: whether he noticed that matter when he visited the Sakrand farm?

The Honourable Mr. B. V. JADHAV: It would be premature to give any definite information at this stage. Experiments are going on and the exact duty that is necessary on the barrage conditions will be found out later.

Rao Sahab D. P. DESAI: I want to know the result of the experiments carried out hitherto with the duties stated in the Barrage estimate on the jowari crop: whether that result obtained on the Sakrand farm was wholly unsatisfactory or not. That is the point I want to clear.

The Honourable the PRESIDENT: The reply is that no definite information can be given.

Rao Saheb D. P. DESAI: So far as the result so far obtained in the Sakrand farm, whether it is not a fact that they are unsatisfactory?

The Honourable Mr. B. V. JADHAV: The experiments are not yet complete, and I do not think it is advisable to publish the report till the experiments are completed.

Rao Saheb D. P. DESAI: Of course the Honourable Minister may give a provisional reply.

The Honourable Mr. B. V. JADHAV: May I know whether the honourable member requires my opinion upon the working of the Sakrand farm, or he requires definite results of the experiments.

Rao Saheb D. P. DESAI: The Honourable Minister misunderstands me. I never asked his opinion. I simply asked for information whether the results were unsatisfactory or not.

The Honourable Mr. B. V. JADHAV: I do not think that the results are unsatisfactory. Government are not in a position to say whether the first estimates of duty under which the Barrage scheme was drafted are above the average or below the average.

Mr. W. S. MUKADAM (Panch Mahals District): Were the results satisfactory then?

The Honourable Mr. B. V. JADHAV: As far as they go the results are satisfactory.

#### CROPS IN SIND, BARRAGE TRACT.

Rao Bahadur R. R. KALE on behalf of Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the area occupied and the area cultivated in the Thar wah tract and the Dhora Naro tract in each of the years 1907 to 1927;

(b) the area under each kind of crop in each of the tracts during each of the above years;

(c) the area of each crop for the cultivation of which provision has been made under the Sukkur Barrage Project?

The Honourable Mr. J. L. RIEU: (a) and (b) Statements containing the information required by the honourable member are placed on the Council Table.

(c) The sub-joined statement furnishes the information required by the honourable member.

Name of canal	Rice	Dry kharif	Rabi	Total
	Acres	Acres	Acres	Acres
1. Thar Canal system .. ..	1,05,617	11,104	..	1,16,721
2. Sufi distributary .. ..	2,863	6,283	17,322	26,468
3. Hiral canal system including Hiral distributary.	12,295	8,195	..	20,490
4. Right side Hiral .. ..	6,996	4,664	..	11,660
5. Direct karias ex-Eastern Nara from Jamrao Head to Thar well including Heran tract.	5,000	17,000	21,300	43,300
	1,32,771	47,246	38,622	2,18,639

Statement showing the area occupied and the acre under each kind of crop  
in the Trier sub tract.

Year	Total acres		Hectares of land cultivated											
			Barley		Lupuli		Wheat		Others		Total			
			A.	q.	A.	q.	A.	q.	A.	q.	A.	q.		
1907-08	108,244	20	3,437	10	3,571	56	3,470	11	513	5	3,726	9	50,652	25
1908-09	108,520	22	3,502	10	3,580	34	3,455	34	436	7	3,248	19	49,653	24
1909-10	108,748	20	42,400	20	4,419	37	1,935	37	1,288	17	882	10	50,390	7
1910-11	108,882	1	45,154	7	2,537	59	994	0	2,179	30	4,887	14	55,817	21
1911-12	108,964	16	45,200	20	3,490	31	3,431	13	1,531	15	5,973	17	59,716	19
1912-13	108,119	8	40,114	8	3,184	37	3,232	18	1,079	17	4,278	19	61,589	14
1913-14	108,054	3	40,018	11	5,677	36	1,345	18	218	24	4,050	37	53,211	6
1914-15	107,592	12	42,640	7	4,713	19	1,625	4	3,714	14	5,039	27	57,741	31
1915-16	106,997	32	50,263	35	897	7	1,961	39	4,903	36	5,375	38	63,462	35
1916-17	105,634	11	45,752	21	1,198	3	1,145	31	3,541	31	2,996	26	54,634	32
1917-18	104,261	23	44,008	20	3,625	22	1,391	12	2,640	20	974	34	52,640	10
1918-19	127,752	29	39,209	37	5,975	37	1,593	26	990	7	1,696	8	49,465	35
1919-20	130,739	26	37,096	21	4,541	27	1,651	25	3,731	5	4,116	27	51,737	25
1920-21	129,940	17	38,280	8	2,190	25	1,115	6	606	2	1,253	35	43,535	36
1921-22	128,078	32	23,506	5	994	7	6,394	0	4,436	10	3,907	14	39,237	36
1922-23	130,154	36	25,017	0	3,735	33	6,487	25	6,904	34	4,785	1	46,930	13
1923-24	128,042	6	20,810	0	10,979	29	5,785	31	4,762	36	2,288	38	44,627	14
1924-25	128,396	19	17,716	27	15,389	22	5,982	30	3,077	3	1,798	38	43,965	0
1925-26	123,622	17	18,986	8	9,713	25	5,188	25	1,137	21	1,129	13	36,155	12
1926-27	127,761	33	9,198	26	17,663	30	12,047	8	1,587	7	2,186	36	42,683	27
1927-28	125,648	4	12,352	26	6,565	32	10,241	15	2,085	14	2,527	24	33,802	31

Statement showing the area occupied and the area under each kind of crop in the Dhoro Naro tract from 1907-08 to 1927-28 .

Year	Total occupied area			Figures of land cultivated											
				Paddy		Bajri		Cotton		Wheat		Others		Total	
	A.	g.		A.	g.	A.	g.	A.	g.	A.	g.	A.	g.	A.	g.
1907-08	205,611	3		5,088	25	10,514	36	2,560	1	6,650	37	7,574	28	32,308	7
1908-09	227,445	13		1,490	21	20,457	26	1,783	37	12,614	38	50,080	27	86,427	20
1909-10	210,510	12		3,971	36	12,324	38	9,658	10	8,225	24	8,217	0	42,397	28
1910-11	248,590	32		6,625	33	11,481	17	1,371	11	11,557	32	15,902	20	46,938	33
1911-12	218,952	6		6,815	4	12,107	20	3,542	10	4,223	18	20,142	28	46,331	0
1912-13	231,289	11		10,267	0	33,065	27	1,840	31	8,63	33	6,968	13	60,714	24
1913-14	181,838	13		8,605	16	12,858	31	3,772	8	8,040	20	6,653	6	39,930	1
1914-15	183,861	36		8,615	20	12,339	34	4,475	15	7,188	16	5,722	33	38,541	33
1915-16	184,434	7		15,865	9	15,191	37	4,374	8	5,146	33	7,732	17	43,310	24
1916-17	179,512	8		12,454	3	21,869	37	1,480	32	5,369	21	3,252	34	44,427	7
1917-18	206,393	24		10,827	20	14,855	12	1,929	39	5,318	6	2,556	14	35,487	11
1918-19	207,513	29		10,095	35	8,762	6	4,635	34	1,530	6	1,577	13	27,201	14
1919-20	218,782	10		11,957	0	16,025	25	6,175	39	6,218	11	3,137	13	43,514	8
1920-21	200,833	3		13,566	29	15,693	21	3,652	37	5,518	25	2,169	12	40,601	4
1921-22	215,590	24		6,176	7	22,720	24	1,540	15	5,749	31	4,298	13	40,485	10
1922-23	232,687	35		12,510	15	23,359	30	6,634	2	5,667	2	3,866	26	52,057	35
1923-24	236,093	8		12,603	6	17,945	9	9,567	1	5,537	0	3,126	16	48,778	32
1924-25	240,837	7		9,481	35	18,876	39	16,251	3	4,468	25	3,204	36	52,233	18
1925-26	203,056	14		11,506	4	20,771	1	12,150	3	1,665	18	2,099	32	43,192	13
1926-27	236,523	27		5,274	5	32,808	38	12,973	25	2,805	34	3,527	32	57,390	14
1927-28	219,092	34		6,845	0	35,775	33	9,387	23	2,137	27	3,996	26	58,142	32

## LAND SALES: BARRAGE LANDS.

Mr. JAIRAM DAS TOULAPRAM (Eastern Sind): Will Government be pleased to state—

(a) the total area sold by Government as—

(1) restored fallow forfeited land, and

(2) mohaj or frontage in the Barrage zone out of the total area of three and a half lakhs of acres expected to be available at the concessional rate of Rs. 15 per acre;

(b) how much of this area has been sold under each head in each of the talukas in the Barrage zone;

(c) the amount that has been realized by such sales?

The Honourable Mr. J. L. RIEU :

	Acres		Gunthas	
	(1)	(2)	(3)	(4)
(a)				
(1)	25,579	9		
(2)	1,593	28		
(b)				
Taluka	Fallow forfeited		Mohaj	
	Acres	Gunthas	Acres	Gunthas
Bara Nish	448	20	261	35
Dagr.	5,541	32	76	13
Jamshedpur	3,381	23	152	7
Mirpurkhas	4,003	20	5	31
Hyderabad	2,284	..	301	25
Rala	3,017	17	755	39
Sinjhoro	6,302	8	39	38
	25,579	9	1,593	28

(c) Rs. 4.07.593-14-0 is the amount to be realized.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): May I know whether any zamindars are giving up their lands in the Barrage tract?

The Honourable Mr. J. L. RIEU: I have no information as to that.

Mr. HAJI MIR MAHOMED BALOCH: Is it a fact that on account of the conditions laid down for the purchasers, the lands are being given up?

The Honourable Mr. J. L. RIEU: I am not aware of any such instances.

Mr. HAJI MIR MAHOMED BALOCH: The original estimate for 1929 was 2 crores. Why has it been changed?

The Honourable Mr. J. L. RIEU: I have already given this honourable House the reasons that led Government to depart from the original programme of sales.

Mr. HAJI MIR MAHOMED BALOCH: Would it not affect financially the whole scheme?

The Honourable Mr. J. L. RIEU : Not necessarily. The change is in no way to the detriment of the finances of the scheme as a whole.

# DISTRICT LOCAL BOARD, BIJAPUR.

Mr. D. A. JANVEKAR (Southern Division): Will Government be pleased to state—

(a) whether it is a fact that one Mr. Katti, a dismissed Overseer of the District Local Board, Bijapur, has submitted an application to Government making serious allegations against the Board ;

(b) if so, what action Government have taken on it ;

(c) if no action has been taken on it as yet, whether Government intend to take any in the matter ;

(d) whether it is a fact that the Commissioner, S. D., made some inquiries in this matter ;

(e) if so, whether Government have received any report from him ;

(f) if the answer to (e) is in the affirmative, what action Government have taken or intend to take on the report ;

(h) whether Government will place on the Council Table all the papers in connection with this subject ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (d) and (e) Yes.

(b) and (f) Government have directed the C.I.D. to conduct an enquiry into the grave irregularities which appear to have occurred in the administration of the Board.

(c) Does not arise.

(h) In view of the reply to part (b) of the question Government are of opinion that it would be inopportune to comply with the request of the honourable member.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state whether before handing over this matter to the C. I. D. they called for the report of the President of the District Local Board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As the President and members were involved in this matter, the report was called for from the Commissioner, S. D., and Government have acted on that report.

Mr. A. D. SHETH (Ahmedabad District) : May I take it that it is only for grave irregularities that the matter has been handed over to the C. I. D. In the answer to (b) and (f) you have stated " to conduct an enquiry into the grave irregularities which appear to have occurred in the administration of the Board. " Is it for these grave irregularities that the matter has been handed over to the C. I. D. ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, for these irregularities and even misuse of funds, misapplication of funds, frauds possibly also, so that all that will be found by the enquiry of the C. I. D. officers.

Mr. W. S. MUKADAM : Who decided that those irregularities were grave ?



The Honourable Dewan Bahadur HARILAL D. DESAI : The fact is that a large amount of Rs. 25,000 for water supply granted by Government was attempted to be spent in deepening wells or having new wells within the space of thirty days of March or less, without any estimates and plans. Government believed on the report of the Commissioner, Southern Division, that there was occasion for probing into the matter further and therefore the enquiries as stated have been ordered.

Rao Sahab D. P. DESAI : On whose instructions was that money spent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They had to spend the money and they spent it.

Rao Sahab D. P. DESAI : Who asked them to spend the money within one month ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot answer that question.

Rao Sahab D. P. DESAI : Have you got no reply to give or do you not want to give any reply ?

The Honourable Dewan Bahadur HARILAL D. DESAI : At present I have no reply to give.

Mr. R. S. ASVALE : What explanation was demanded from the President or the Board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The investigation will bring out all explanations.

Rao Sahab D. P. DESAI : Before handing over certain papers of the district local board to the mercies of the C. I. D. officers, had the Honourable Minister referred the whole matter to the board itself ?

The Honourable Dewan Bahadur HARILAL D. DESAI : An overseer by name Mr. Katti was discharged by the district local board, whereupon he made representations to the Collector and to Government that he was illegally and unnecessarily discharged but that really all the members of the board were responsible for very grave irregularities. On that basis as well as on the report of a sub-committee, the matter was referred to the Commissioner, Southern Division, and the Commissioner said that there was scope for further enquiry.

Mr. W. S. MUKADAM : Is the President of that board included in the enquiry ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It will be rather too early for me to say anything more.

Mr. J. C. SWAMINARAYAN : Is it not likely that the overseer, who was dismissed by the district local board, may have made allegations against the district local board out of spite ?

Rao Sahab D. P. DESAI : Do Government take such action in all their other departments on the report of an officer of the standing of an overseer ? Have they done so before or only in the case of the Bijapur board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : So far as I am concerned as a Minister in charge of the Local Self-Government Department, any report from a responsible officer like a Commissioner would certainly require some kind of action to be taken.

Mr. A. D. SHETH : Has the Commissioner recommended that the case should be handed over to the C. I. D.?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not prepared to disclose anything of his recommendations at present.

Rao Saheb D. P. DESAI : What were the reasons for handing over the district local board members as if they were common felons to the C. I. D.?

The Honourable Dewan Bahadur HARILAL D. DESAI : There were allegations of serious offences under the Indian Penal Code and therefore this case has been given over to the C. I. D.

Mr. W. S. MUKADAM : Was no enquiry officer appointed to make enquiries before handing over the case to the C. I. D.?

The Honourable Dewan Bahadur HARILAL D. DESAI : The Commissioner and the Deputy Collector in charge of the sub-division made enquiries and reported and consequently action has been taken on their report.

Mr. D. A. JANVEKAR : Is it a fact that the Collector of Bijapur asked the board to spend the amount within fifteen or twenty days?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not prepared to reply to that question.

Mr. D. A. JANVEKAR : Is not the Collector the controlling authority on the spot?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Mr. D. A. JANVEKAR : Have Government asked for his explanation regarding this?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not prepared to answer that question.

Mr. D. A. JANVEKAR : Will Government be pleased to ask for further explanation from the Collector?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government will do whatever is necessary as the facts emerge out of the C. I. D. investigation.

Rao Bahadur S. N. ANGADI : Did the Commissioner suggest the enquiry or was it ordered by Government on their own account?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government received a report from the Commissioner which is treated as confidential at present. Consequently I am not prepared to disclose any of his recommendations.

Mr. A. D. SHETH : Is it a fact that Government have powers under section 128 of the Bombay Local Boards Act to make an enquiry into

such matters? Have Government exercised these powers before handing the papers over to the C. I. D.?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, that power has been exercised.

Mr. A. D. SHETH: Have orders under section 128 been published by the Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: They are not necessary to be published.

Mr. NOOR MAHOMED: Was this case entrusted to the C. I. D. before the arrival of the Simon Commission or afterwards?

The Honourable Dewan Bahadur HARILAL D. DESAI: Only very lately.

Mr. SYED MIRAN MAHOMED SHAH: Are there any instances in which district local boards in other places have been investigated by the C. I. D.?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes, there are. Do you want names?

Mr. SYED MIRAN MAHOMED SHAH: Yes.

The Honourable Dewan Bahadur HARILAL D. DESAI: Shelapur, Nasik and Thana.

Mr. SYED MIRAN MAHOMED SHAH: Before the official enquiry?

The Honourable Dewan Bahadur HARILAL D. DESAI: No, no. First, there was an official enquiry before there was a police enquiry and it was on the report of the enquiry officer that further action was taken.

Mr. R. S. ASVALE: In this case was not such enquiry made?

The Honourable Dewan Bahadur HARILAL D. DESAI: It was made by the Commissioner as I have already said.

The Honourable the PRESIDENT: Next question.

#### MIDDLE SCHOOLS AND HIGH SCHOOLS: ADMISSION OF MUSLIMS.

Khan Sahib A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state the quota for admission to Government Middle Schools and High schools that is allotted to Muslim students?

The Honourable MOULVI RAFIUDDIN AHMAD: Government have reserved for Muhammadans 15 per cent. of the total admissions in all Government Secondary Schools for Boys in the Presidency proper except the Anglo-Urdu High Schools at Poona and Hubli.

The following percentages of the total admissions have been reserved for Muhammadans in the Government Anglo-Vernacular schools in Sind:—

N. J. High School, Karachi	.. 10 per cent.
Government High Schools at Hyderabad.	
Larkana and Shikarpur	.. 50 per cent.
Nau-shahro Madressah and High School	.. 75 per cent.
Mirpurkhas Madressah and High School	.. 55 per cent.

Khan Sahab A. M. MANSURI: Is the Honourable Minister aware that out of 30 boys two Mahomedan boys are maintained in this middle school which gives a percentage of 7 per cent. only?

The Honourable MOULVI RAFIUDDIN AHMAD: I am not aware but I would like to have some more information on this point.

Khan Sahab A. M. MANSURI: Will the Honourable Minister be pleased to make enquiry?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes, if instances are given, I will do so.

#### RECONSTRUCTION LOANS: HYDERABAD AND THAR PARKAR DISTRICTS.

Mr. HAJI MIR MOHAMED BALOCH (Karachi City): Will Government be pleased to state—

(a) whether they are aware of the inordinate delay which has taken place in the grant of loans for reconstruction of houses in the urban areas of Hyderabad and Thar Parkar Districts which had suffered damage in the floods of last year;

(b) whether it is a fact that the inhabitants of these areas are living in partly demolished houses;

(c) whether it is a fact that the inhabitants of the Gharibabad quarter of Mirpur Khas Town are practically without houses;

(d) whether Government are aware that the people of several towns in these two districts are living under a sense of great apprehension of the coming monsoon proving to be as abnormal as last year's was;

(e) who is responsible for the inordinate delay in granting the loans referred to in (a) above;

(f) what action Government have taken or intend to take in the matter?

The Honourable Mr. J. L. RIEU: (a) Government are not so aware.

(b) In the Hyderabad District almost all the houses in the urban areas damaged by the floods have been repaired. In the Thar Parkar District about two-thirds of the number of houses have been repaired or reconstructed and the work of the remaining houses is in progress.

(c) No.

(d) The apprehension in regard to the 'monsoon' of 1928 to which the honourable member refers happily proved to be baseless.

(e) and (f) Do not arise.

#### POPULATION: PANCH MAHALS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the population of the Christians, the depressed classes, the Bhils and the untouchables in the Panch Mahals District?

The Honourable Sir GHULAM HUSSAIN: The number of Christians and Bhils residing in the Panch Mahals District will be found in the Imperial Tables No. VI and XIII—Part I in the Census of India, 1921, Bombay Presidency, Volume VIII—Part II—Tables. The depressed and untouchable classes in the District have been shown under

"Backward classes" in the Census of India, 1921, and therefore separate information regarding these sections of the community is not available.

#### LEOYD BARRAGE : CONSTRUCTION OF COFFERDAMS.

Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to state—

(a) whether during the construction of masonry within the cofferdam pumping out of subsoil water is carried on necessarily by pumps;

(b) the average working cost including establishment, renewals, repairs and other incidental working charges of pumping out this water each day on each Bank;

(c) when pumping out was begun and stopped on each Bank during 1927-28 (autumn 1927 to summer 1928);

(d) whether it is a fact that with the stoppage of these pumping operations, construction work within the cofferdams on the Right and Left Banks terminated;

(e) if not, when such construction work terminated and what the last operation was;

(f) on what date during the construction period of 1927-28 the cofferdam on the Right Bank was breached;

(g) what caused the breach;

(h) the number of days taken to close the breach and to restore the cofferdam to its original condition;

(i) the cost of doing so including the cost of labour and earthwork;

(j) the number of days taken to pump out the water that came in through the breach and the subsoil water that collected during the interval;

(k) when the work was estimated to be finished, if the said breach had not taken place;

(l) how many days or months more it actually took to finish the construction work within the Right Bank cofferdam;

(m) on what date pumping out was stopped and on what date the work was actually finished;

(n) the estimated cost of work on the Right and the Left Bank Barrage construction during 1927-28;

(o) to what head of expenditure this additional cost was debited;

(p) whether it was debited to the head of expenditure of the Right Bank construction work or shown as a separate item?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) Rs. 696 and Rs. 648 per day for the Right Bank and the Left Bank respectively. This includes cost of putting pumps, etc., in position and depreciation on plant.

(c) On the Right bank pumping was started on 6th February 1928 and was stopped on account of breach on 23rd April 1928. It was restarted on 10th May 1928 and was finally stopped on 27th June 1928. On the Left bank it was started on 3rd December 1927 and was stopped on 28th May 1928.

- (d) Yes.
- (e) Does not arise.
- (f) On the 23rd April 1928.
- (g) The breach was probably due to 'piping' through the stone pitching along the river face of the Regulator apron above which the sand slopes had to be made.
- (h) Twenty-two days.
- (i) Rs. 35,500 approximately, including loss of stores.
- (j) Five days.
- (k) About 6th June 1928.
- (l) Twenty-one days.
- (m) The pumping on the Left bank was stopped on 28th May 1928 and on the Right bank on 27th June 1928. The work in the cofferdams was finished on the same dates.
- (n) The estimated cost of works on the Barrage for the 1927-28 season is Rs. 13·89 lakhs for the Right bank and Rs. 25·67 lakhs for the Left bank.
- (o) The additional cost on the Right bank was debited proportionately according to the nature of work to (1) pumping in cofferdam, (2) constructing cofferdam, (3) constructing the Barrage, (4) heavy repairs to special tools and plant and (5) loss of stores.
- (p) It was debited to different heads mentioned in (o) above.

TALUKA LOCAL BOARD, BORSAD : HIMATALAL DAYASHANKAR.

Mr. J. R. PATEL (Kaira District): Will Government be please to state—

(a) whether it is a fact that one Himatalal Dayashankar who was formerly in Government service as a police constable but was dismissed being involved in a murder case, and who was subsequently employed in, and dismissed from the Baroda Police Department, is nominated as a member on the Borsad taluka local board for the present triennial term ;

(b) the special reasons for such a nomination ;

(c) whether he was elected President of the Borsad municipality by the casting vote of the then mamlatdar of Borsad who was chairman of the meeting called for the purpose ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) It is a fact that Mr. Himatalal Dayashankar is a nominated member on the Borsad Taluka Local Board for the present triennial term. Mr. Himatalal has been definitely acquitted of the charge of murder. It is understood that he was discharged and not dismissed from the Baroda Police service.

(b) Amongst the elected members 9 were Patidars and 2 Girasias. In the Borsad Taluka the population of the Brahmins and Banias is 15,000 and as these castes were not represented Mr. Himatalal was nominated as their representative.

(c) Yes.

CROPS IN BRITISH VILLAGES : WATERS OF TANK OF GAEKWARI  
VILLAGE "THOL".

Mr. A. D. SHEETH (Ahmedabad District): Will Government be pleased to state—

(a) whether they are aware that the overflow water of the tank of Gaekwari village "Thol" near Viramgaum Taluka is spoiling the crops of the British villages Bhavanpur, Chekhla, Ramgadh, Rampura and now Viramgaum: if so, what steps are being taken to stop it;

(b) whether any agreement has been entered into between the two Governments about the tank: if so, whether Government will be pleased to place it on the Council table;

(c) whether any correspondence has passed between the two Governments about the above: if so, whether Government will be pleased to place it on the Council table;

(d) whether any undertaking has been taken from the Government of Baroda to recompensate the losses to the British villages: if so, whether it will be placed on the Council table; if not, whether Government intend to take any such step in the matter;

(e) whether the Commissioner, N. D., promised the affected agriculturists of the respective villages to refund the assessment collected from them: if so, whether the same has been refunded; if not, the reasons therefor and when it will be refunded?

The Honourable Mr. J. L. RIEU: (a) Yes: the tank overflows after heavy rain and causes damage to the crops. The matter is being considered with the Baroda authorities.

(b) No agreement has been entered into by the two Governments.

(c) Yes; but Government are not at present prepared to place the correspondence on the Council table.

(d) The question of compensation for damage to crops in the neighbouring British villages has not arisen in the past and has not yet been considered.

(e) As no such promise was given, the question of refund does not arise.

CAUSEWAY OVER THE ULHAS AT BADLAPUR.

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether they have finally settled to build a causeway on the river Ulhas at Badlapur in the Thana District;

(b) if the answer to (a) is in the affirmative the height of the proposed causeway;

(c) when the work will be commenced?

The Honourable Mr. J. L. RIEU: (a) The question is still under consideration.

(b) and (c) Do not arise.

Mr. C. R. SHROFF: How long will Government take to decide finally?

The Honourable Mr. J. L. RIEU: It is impossible to say. The question will probably be the subject of litigation.

#### PALGHAR-SANJAN COASTAL ROAD.

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether they know what amount has been proposed to be spent on the Coastal Road between Palghar and Sanjan by the Roads Committee appointed by the Central Government;

(b) if the answer to (a) is in the affirmative, the amount proposed?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) It was no part of the duties of the Government of India Road Development Committee to recommend any expenditure on particular roads, in this Presidency or elsewhere, nor did that Committee make any such recommendations.

(b) Does not arise.

#### VILLAGE PANCHAYATS ACT: ENQUIRY INTO WORKING.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they appointed a committee to enquire into, and report on, the working of the Bombay Village Panchayats Act, 1920;

(b) if so, the personnel of the committee;

(c) when it was appointed;

(d) how long the committee did its work;

(e) whether the committee made any report to Government;

(f) if the answer to (e) is in the affirmative, whether they will place a copy of the report on the Council table;

(g) what action they have taken on the report;

(h) whether they intend to introduce in the Legislative Council a Bill amending the Village Panchayats Act on the lines of that report and, if so, when the Bill will be introduced?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes.

(b) Commissioner, Central Division (Chairman).

Mr. S. M. Bharucha, Collector, Bombay Suburban District,

The Collector of Poona,

Rao Bahadur G. B. Chitale,

Rao Saheb D. G. Desai,

Rao Bahadur S. D. Garud,

Mr. R. G. Pradhan, M.L.C.,

Mr. W. S. Mukadam, M.L.C.,

Mr. P. R. Chikodi,

Mr. P. K. Illava, Sar Panch, Village Panchayat, Ilav,

Mr. M. S. Patil, LL.B., Sar Panch, Village Panchayat, Hukeri,

Mr. Fakirappa Bharmappa Laxmeshwar, Sar Panch, Village Panchayat, Kurtkoti,

Under Secretary, General Department (Secretary).



(e), (d) and (c) The Committee was appointed by a Government Resolution, dated the 24th June 1925. The first meeting of the Committee was held on the 13th July 1925. The report of the Committee reached to Government on 26th February 1926.

(f) A copy is placed on the Council Table.\*

(g) and (h) The report of the Committee has been considered by Government and the requisite Bill on the lines of the Government decisions on the several recommendations outlined in the report will be introduced in the Legislative Council as early as possible.

#### MEHLUL ESTATE: NATURE OF HOLDINGS.

MR. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state --

(a) whether it is a fact that the instructions which were conveyed to the people residing in Mehlool estate of Godhra Taluka in Panch Mahals District at the time of making survey settlement of the lands of that estate contained the following three specific instructions, namely, (1) "As the assessment is fixed, unless there is some mistake there would be no changes in it during the stipulated period", (2) "So long therefore as the number of its portion stands on the cultivator's name in Government records and he pays the assessment therefor, it will continue to stand in his name", and (3) "No additional amount will be charged for the reason of improvement of one's lands by his own labour and costs even if thereby he got additional income";

(b) whether the instructions referred to in (a) were forwarded to Godhra Mandalpar by the Superintendent of Revenue Survey under letter No. 235, dated 30th June 1891;

(c) whether the people of Mehlool estate were called by the Collector of Panch Mahals when the survey was made and those instructions were read out to them and explained to them in the vernacular;

(d) if the answers to (a), (b) and (c) are in the affirmative, whether the Collector of Panch Mahals is by his order No. 458, dated 9th December 1926, trying to deprive the people of Mehlool estate of the rights conferred on them by the survey settlement, and, if so, the reason therefor?

The Honourable Mr. J. L. RIEU: (a) An English translation of the jahernama issued by the Collector on 18th June 1898 in pursuance of the order passed by Government on the original settlement of the talukari estates of Mehlool is appended.

(b) No. These instructions referred to Government villages in the taluka.

(c) It cannot be said now whether the people of the Mehlool estate were called by the then Collector when the survey was made, but the jahernama dated 18th June 1898 was read out and explained to them in the vernacular.

(d) The Honourable Member is referred to the reply given to his question printed at pages 96-97 of Council Debates, Volume XXI, Part I, 1927.

## Jukernama.

The chief object of Government in introducing survey is that by fixing boundaries of fields there would be no boundary disputes. Again it will be clear in the record as to how many fields one has got and where they are. As the amount will be fixed on each field, people will know how much is to be paid for a particular field, and that it may be easy for them to choose either to cultivate or relinquish a particular field. After fixing the amount of Vighoti, there will not be any change in it during stipulated period unless there is some mistake; so the people would be inclined to improve their lands and derive more benefit. In this way the people would be happy and the estate would be saved from the trouble of fixing revenue every year. Again there would be improvement in land and the people would be prosperous.

2. Rates fixed according to this settlement will continue to remain in force for fifteen years.

3. The right of deriving income by kaltar system in the form of grains, vegetables and treacle except in the form of cash is stopped.

4. Every one will be made to understand his own khata according to the assessment fixed at this survey. But it should be borne in mind that as the tenancy right vests in the Talukdar no notices will be served. Information should be given if any survey No. out of a particular khata is to be relinquished but it goes without saying that if it is once relinquished it will not be cultivated again without obtaining previous permission. In case anybody does so he shall have to abide by the rules fixed by the estate. In this estate transfers of land (ਮੁਕਾਬਲੇ) are not allowed. People will have to follow rules fixed from time to time by the Collector who will decide whether occupancy price should be levied at the time of leasing out new land for cultivation.

5. For sugar cane and vegetables Rs. 10 and Rs. 2 per acre respectively in addition to usual assessment will be charged instead of the amount of vighoti land in maji vohivat. These rates will be applied when they are grown by the help of water from wells and ponds belonging to the estate.

6. Boundaries have been fixed after a detailed survey costing thousands of rupees. If they will not be well preserved not only that the purpose of the detailed survey will be frustrated but that disputes of boundaries will also arise. The tenants have therefore to take care to preserve these boundary marks and strips and to keep them in repairs. In case they do not do so legal provisions in this respect will be enforced against them.

7. Trees that stand on cultivable land belong to the estate and that tenants have no right on them.

8. Besides this, people will have to pay taxes, viz., local fund cess, etc., as ordered by the Collector separately.

9. Tenants are prohibited from either mortgaging or selling their khata land to anybody. In case anybody either mortgages or sells or alienates it in any way then the estate will not recognise the right either of the person in possession of the land or the khatedar of the mortgage or the vendee. But the land will be forfeited and the person in possession of the land will be evicted and the possession of the land will be given to anybody whom the Collector deems it.

Dated 18th June 1898.

## INTERNATIONAL LABOUR CONFERENCE, 1929.

MR. SYED MUNAWAR: Will Government be pleased to state—

(a) whether it is a fact that they were consulted by the Government of India in regard to the agenda of the International Labour Conference to be held at Geneva this year;

(b) whether it is a fact that Bombay Government consulted the Bombay Port Trust regarding the agenda;

(c) whether it is a fact that workers' organisations were not consulted;

(d) if so, the reasons for not consulting organisations of workers?

The Honourable Sir GHULAM HUSSAIN: (a) Yes.

(b), (c) and (d). The Shipping Master, Bombay, the Commissioner in Sind, and the Resident and Commander-in-Chief, Aden, were requested to bring the communiqué issued by the Government of India to the notice of Associations of shipowners and seamen at the Ports of Bombay, Karachi and Aden. A copy of the communiqué was also forwarded by Government to the Secretary, Indian Seamen's Union, Bombay.

Mr. SYED MUNAWAR: Part (a) of my question referred to the General Session of the International Labour Conference to be held this year in Geneva, but the answer to the question relates to a special session, namely, the Maritime Session, in regard to which the communiqué is stated to have been sent to the Secretary, Indian Seamen's Union, Bombay. My question was with regard to the general session of the International Labour Conference, which remained unanswered.

The Honourable the PRESIDENT: What is the honourable member's question?

Mr. SYED MUNAWAR: Part (a) of the question is replied in the affirmative. But as to parts (b), (c) and (d), the statement is that which relates to the special session of the International Labour Conference, and not the general session, about which I wanted the information.

The Honourable Sir GHULAM HUSSAIN: I do not understand the question, Sir.

The Honourable the PRESIDENT: The question is not understood.

Mr. SYED MUNAWAR: My question is whether it was a fact that Government were consulted by the Government of India in regard to the agenda of the International Labour Conference to be held at Geneva this year.

The Honourable the PRESIDENT: And the reply is, they were.

Mr. SYED MUNAWAR: Yes: then, with regard to (b), (c) and (d) the answer states that the communiqué was sent to the Shipping Master and through him to the organizations of seamen and shipowners. But my question relates to the general session of the International Labour Conference, whether Government has issued or sent the communiqué in respect of the general session of the Conference to the labour organizations.

The Honourable the PRESIDENT: The honourable member, when he asked the question, presumably meant to refer to this year's work. Now, he wants a general reply as to what happened this year. Is that correct?

Mr. SYED MUNAWAR: Both the general session and the special session are to take place this year, Sir, I have got the answer with regard to the special session, but not as regards the general session.

The Honourable Sir GHULAM HUSSAIN: The reply is given there.

Mr. SYED MUNAWAR: It relates to this special session and not to the general session. The reply is that the conference is to be held at Geneva this year. But both the sessions are to be held at Geneva this year, one in May and the other in October—a general session and a special session.

The Honourable Sir GHULAM HUSSAIN : If the honourable member wants any further information beyond what is given in the reply, he has to give notice.

The Honourable the PRESIDENT : Would the honourable member make it a subject of another question ?

Mr. SYED MUNAWAR : Very well, Sir.

#### GRAZING GROUNDS : NASIK DISTRICT.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state in a tabular form—

(a) the number of cattle in each taluka of the Nasik District used for agricultural purposes, the number of cattle used for dairy farming and the total in the district ;

(b) the area of grazing land in each taluka, the area under the Revenue Department and the area under the Forest Department ;

(c) the number of cattle per acre of grazing land ?

The Honourable Mr. B. V. JADHAV : A statement containing the information required by the honourable member is placed on the Council Table.\*

#### REVENUE SETTLEMENT REPORT, BAGLAN AND MALEGAON.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether the honourable member for Nasik Mr. R. G. Pradhan applied to Government for the report of Mr. Bristow who was specially appointed to revise the assessment of Baglan and Malegaon talukas in the Nasik District, if so, when ;

(b) whether Government supplied him with a copy of the report ;

(c) if the answer to (b) is in the negative, the reasons for not furnishing him with a copy of the report ;

(d) whether copies of such reports were furnished to the honourable members representing Nasik District ;

(e) whether Mr. Pradhan applied to Government a second time to furnish him with a copy of the report ;

(f) whether the report was supplied to him, if not, the reason therefor ?

The Honourable Mr. J. L. RIEU : (a), (b), (c), (e) and (f) Mr. Pradhan did apply to Government for copies of the reports in question, and he was told that they would be furnished to him when received from the Press.

(d) No, for the reason stated above.

The Honourable the PRESIDENT : If the House remembers, a demand has been made under 19—Interest on Ordinary Debt—for Rs. 20,000, and two cuts are tabled, one by the honourable members Messrs. Deshpande and Karki, and the other by the honourable member Mr. Jog. Both are out of order, because they are cuts for the omission of the whole demand. But the honourable

\*Kept in the Secretary's office.

[The President:]

members can argue the point, if they like. (After a pause.) As no honourable member wishes to speak, I put the demand to the vote.

Question—Have grant of Rs. 20,000 be made under 19—Interest on Ordinary Debt—put and carried.

The Honourable Mr. G. B. PRADHAN: Sir, I make a demand for Rs. 1,01,50,000 under General Administration, Reserved, 22, except Heads of Panchayats and Ministers.

Question proposed.

Mr. B. R. NANAL (Ratnagiri District): Sir, I move:

Item 28 in statement F (Blue Book page 267) be omitted.

The item is additional establishment for the taluka office at Dohad, Panch Mahals District.

The proposals in this item are for the appointment of one Aval Karkun, one clerk and one peon. The expenditure involved in this item for eleven months comes to Rs. 1,529. Now, the addition proposed cannot be said to be in itself large, and from one point of view it can even be said that occasionally additions of this kind to the existing establishment may become necessary in some places. I take objection, however, to this item not merely on account of this item alone, but because I hold very strong views that in this presidency Government are spending too much money on establishments. What I mean is that establishments and all public services exist not for their own sake, but for the communities which they are to serve, and in any case, the expenditure to be incurred on these establishments must have some proportion to the means of the people, I mean the taxpayers, who are to bear the expenses of these establishments. Now we are adding to our establishments, but my contention is that Government so far have taken absolutely no steps to see whether the earning capacity of the people has been in any way increased so that the additional money that is necessary for the maintenance of these establishments can easily be had from the taxpayers. Until such an enquiry is made, until we see, as a matter of fact, that the additional money can be easily collected by way of taxation, there ought to be no increase in establishments. The reason given in the remarks I find to be that work both revenue and magisterial of the mamlatdar has increased in Dohad as a result of certain migration of population from the suburbs or the mofussil to the City area, and it is said that as a result both civil and criminal work has increased and therefore additional establishment has become necessary, in fact, indispensable. Of course, I know nothing personally either about Dohad or its surroundings, nor about the conditions which actually prevail to-day or prevailed there before and prevail now. But one thing which would strike any one, though not conversant with the actual state of affairs in the particular area, is that if this addition to work is the result of movement of population from the mofussil to a city or from a city to a mofussil area, the question of making the necessary provision for additional work should be easy to solve by ordinary adjustment. I mean that the staff can be removed or shifted from an area the population of which has

[Mr. B. R. Nana!]

diminished and the work of which has in consequence also diminished to an area where the population has increased resulting in an increase of either civil or criminal work. Of course, Government must be taken to know best how the conditions really are. But as I have informed honourable members, I do not take this question as a single one, as relating to one particular area; I take it as a general question, and the questions that strike me in this connection are, firstly, are we in a position to pay the existing establishments, and secondly, are we in a position to pay for additional establishments? With regard to the first question, I would emphatically say that considering the income per head, we are not in a position to maintain even the existing establishments. Work may diminish or work may increase in this place or that. But supposing that takes place, the work must be managed, I submit, by necessary adjustments, by shifting the members of one staff to another and not by an addition to the existing establishments. It is on that ground that I have moved this motion.

Question proposed.

The Honourable Mr. G. B. PRADHAN: Sir, the note on the item is extremely clear. The Loco shop of the B. B. & C. I. Railway has been transferred to Dohad, and therefore there is considerable addition to the work. The honourable mover himself admits that he has got absolutely no knowledge about the local conditions prevailing there. He suggests this cut because he thinks that the establishments in the mofussil are too much, and there should be a reduction, as the taxable capacity of the people is low. I submit to the House that instead of having a large establishment according to the extra population, which I am told is about 13,000 or 14,000 people, only a small addition is made, just to cope with the necessary work. The note is absolutely clear on the point. I may also inform this House that this item was accepted by the Finance Committee without even a single voice being raised against it.

The Honourable the PRESIDENT: I see that the Honourable the Revenue Member is in charge of the matter, and I would rather call upon him to reply.

The Honourable Mr. J. L. RIEU: Sir, the honourable member who has moved the cut admits that he knows nothing about local conditions. And so he makes a number of sweeping generalisations, generalisations which are not proved.

For instance he puts forward the extraordinary proposition that establishments should be regulated in proportion to the capacity of the people (presumably he means the local people) to pay for them. I submit that that is an entirely erroneous proposition, which would prove quite impracticable in actual practice. Establishments must of course be proportionate to the demands made upon the administration in the local area to which they relate.

Then with regard to the question of a corresponding reduction in the establishments elsewhere, I think it must be apparent to the House

[Mr. J. L. Rien]

that this is not a case of the bodily removal of a particular number of people from one single locality to another single locality. This increase of population which has been caused by the opening of these workshops at Dohad has been drawn from a number of localities ; probably a good many of the people come from the surrounding Indian States. That disposes of that argument.

Then the honourable member has suggested that we have made no enquiries as to the possibility of releasing establishments elsewhere. I can assure the honourable member that this is not the case in this particular instance. At the time that the Collector submitted these proposals for extra staff he submitted proposals for a reduction of the number of talatis in that taluka. I admit that there is no connection between the two—and that the one does not affect the other. It is not that because an increase of staff is necessary in the taluka office, therefore a decrease in the general revenue staff of the taluka was suggested. But, as a matter of fact, the Collector did at the time scrutinise the establishments of the taluka as a whole, and he found it was possible to abolish two posts of talatis. He submitted these two recommendations, namely for an increase in one staff and a decrease in the other, simultaneously. I do not mean to say that Government are necessarily justified in increasing the staff in the taluka office merely by reason of a proposed decrease in the number of talatis. But it is important to note that in this case the Collector before sending up his proposals, scrutinised the whole staff of the taluka and was finally able to recommend a decrease in certain respects. I trust therefore that the House will not accept this cut.

Question put and lost.

Rao Bahadur R. R. KALE (Satara District) : Sir, I move the motion of which I have given notice, as follows :

Omit item No. 29 Provisional revision of the pay of Mamlatdars and Mukhtiarkars.

The note which is given in justification of this item says that it is provisional revision of the pay of Mamlatdars and Mukhtiarkars. The recurring expenditure is stated to be Rs. 26,565, and the ultimate annual recurring expenditure will be Rs. 96,558, that is nearly a lakh of rupees.

Now, Sir, the question of the revision of the pay of other officers in other departments was considered after the war was over, when prices had gone high. I think the matter was also discussed in the first reformed Council in 1922, and it was pointed out that the ultimate recurring expenditure on account of time scale would involve Government into a very great liability, because, although in the beginning it looks a small increase, still, by the adoption of the time scale, ultimately the cost comes to a very great deal. Now, even during the last budget discussion, the Honourable the Finance Member was asked whether it is contemplated now that prices have gone down, that Government should consider the desirability of re-revising as it were the salaries of officers in the various departments, and it was stated that the matter might be considered if there is a demand on this side of the House in that direction. My submission is that it is for the

[Rao Bahadur R. R. Kale]

Government really to consider the whole question. Having regard to the fact that at the time of the first revision the opinion was expressed that, when the prices went down, the time would come when the question of the scale of pay of officers would be gone into ; may I know from the Honourable the Finance Member whether this is the proper time for raising the salaries of the mamlatdars and mukhtiarkars on the ground that they stand on the same footing as assistant engineers and sub-judges whose salaries have already been revised ? If the question of reduction of revised scales of pay that were laid down in 1922 is under the consideration of Government, is it not desirable on the part of the Honourable the Finance Member to hold over the question of the revision of salary of the mamlatdars till the whole question is once for all settled ? The question is whether Government are prepared to re-revise the scales of pay which were laid down immediately after the war in view of the fact that the prices have greatly gone down during the last few years. It seems to me that this is an indication that Government do not want to consider that question at all. They want to give the same pay to the mamlatdars and mukhtiarkars the same pay as they give to the assistant engineers.

Two reasons are given for this action. It has been stated that district officers report that the status of mamlatdars requires that their pay should be raised to the same scale as that of the other officers and placed on the same footing. The other reason is that they find some difficulty in recruitment on the scales as they are at present. I do not think that the latter ground can be justified. I do not think there is any want of candidates for taking up this appointment on the present salary. As regards the former reason that there is some disparity in the status, it seems to me rather premature ; we should proceed to revise the pay of these officers, when the main question of reducing the scale of pay of all officers is still under consideration. I do ask for an explanation—a satisfactory explanation—from the Honourable the Finance member for this move which is likely to ultimately burden this presidency to the extent of one lakh. When we are complaining that the scale of pay of officers has been rising and rising all round, I ask whether it is sound policy to raise the pay of the mamlatdars and mukhtiarkars on the mere ground that their status should be raised to that of the other officers. Whenever they have to consider this question of revision of pay in any particular department, it is a mistake to begin with one department, so as to cause discontent in other departments. Whenever Government undertake revision of pay, it must take into consideration all the departments together so that we may have an idea as to the ultimate burden on the presidency. If on the other hand they do these things piecemeal, the burden goes on increasing. When once it becomes too much, it is very difficult to retrace our steps. I therefore submit that some principle should be laid down at this time. I hope the Honourable the Finance Member will enlighten us on this point.

Question proposed.



Rao Sahib D. P. DESAI (Kaira District): Sir, let us examine this case on its merits. The mamuldar's salary before revision was Rs. 150 rising to Rs. 250. When revision was given to all the other departments their salary was given due revision. Their salaries were raised from Rs. 150 in the beginning to Rs. 200 and they were taken to a maximum limit of Rs. 275 and ultimately to Rs. 350. It appears that any new revision was not contemplated at the time when the salaries all round were increased in all the departments. As a matter of fact Government should have proceeded by this time not by giving increased salaries to the officers but by gradually reducing them. The grades of pay should have already been reduced, in view of the financial condition of this presidency. Otherwise it will become the monkey and two cats policy. When these assistant engineers were put into the provincial grade and given the provincial benefits and emoluments such as personal allowance, sundry allowance, it was not thought of by Government that those officers who were of the same status as the assistant engineers would claim their share. Since that has been done other departments have laid their claims. The services have formed associations and put in claims that their pay should be increased. The result is that Government are placed in an embarrassing situation. To relieve them of this embarrassed situation, this side of the House laid before Government several suggestions on more than one occasion that they should come down by the same ladder by which they went up. They would not listen. They did not co-operate with us. Our complaint is that Government do not co-operate with us, in spite of the fact that they always charge us with obstructing the administration. On the contrary the Government benches have been obstructing the work of the members on this side of the House. Whatever that may be this fact remains that at a time when they should bring down the salaries all round Government should not undertake new responsibilities in this matter. I am sorry that the Honourable the Finance Member while he was on this side of the House took special care about these matters should come forward with one more proposal to add to the burden which has already increased.

I specially draw the attention of the honourable member the Finance Secretary to this one aspect. Already he has been responsible for an increase of 3 crores on account of revision of salaries alone. Now at least should be not see whether this amount can be reduced—not the whole amount—by at least one crore of rupees? Even that will be a great boon to this presidency. It is this fact that high salaries are paid to Government officers, from the Imperial Services downwards, that has prevented the normal progress of this presidency. If Government want to ensure that normal progress, the only course open to them is to cut down salaries all round so as to end the rivalry between the different departments and not to bring every year those hardy annuals, the Stamp Bill, the Court-fees Bill and other taxation bills. The subordinate judges' salary which used to begin at Rs. 150 and end at Rs. 400.....

The Honourable Mr. G. B. PRADHAN: End at Rs. 800.

Rao Sahab D. P. DESAI : That is the salary of first class subordinate judges ; I am speaking now of second class subordinate judges, and their salary now begins at Rs. 300 and ends at Rs. 650. Government should see their way to bring that salary down to Rs. 200 to begin with. I think there is no dearth of men. Even for Rs. 150 they get a number of LL B.'s in the Indian States. Could not Government get lawyers if they offer Rs. 200 to start with ? Many of them are at present going without briefs ; they can very well join the service. If Government invite applications many of them will be found willing to serve for Rs. 150. But Government can begin at Rs. 200.

The Honourable Mr. J. E. B. HOTSON : Sir, on a point of information. Does the honourable member recommend that we should take briefless barristers and lawyers for our services ?

Rao Sahab D. P. DESAI : I do not mean that. As a matter of fact 90 per cent. of them are recruited from among briefless pleaders. Whatever that may be, even giving due value to the opinion of the Honourable the Home Member, even those having practice at the bar would be willing to start on Rs. 150 if they are given prospects of rising to Rs. 400. The maximum for the second grade may be brought down from Rs. 650 to Rs. 500, so that no opportunity will be afforded to the mamlatdars to lay claims. If their maximum salary is brought down to Rs. 500, the mamlatdars would rest satisfied with Rs. 275. The same thing should be done in the Police Department. I would, therefore, request Government to look into the whole question of the salaries in all the departments, from the Imperial Services downwards, and arrive at some decision. I would be very willing to have 5 or 10 per cent. of the increase in their salaries reduced this year ; next year 10 per cent. may be taken off, and so on, so that within five or six years, they will have this increase in salaries reduced to the extent of 50 per cent.

Dr. M. K. DIXIT (Surat City) : Sir, I rise to support the cut moved by my honourable friend from Satara. It has been pointed out that as this is a time when the financial condition of this presidency is not in a flourishing condition we must have retrenchment all round. That being so, it is very necessary that the services which are already drawing more than what they should, should not be given any increase of this nature. The mamlatdars or mukhtiarkars who will read this debate will certainly be angry at the opposition shown by members on this side of the House, but in the larger interests of the country it is very necessary that no increase of this sort should be at all given. We have no quarrel with the mamlatdars regarding their pay. But from the tax-payers' point of view no further burden should be thrown upon the people by incurring increased recurring expenditure in any line except the nation-building departments.

One thing which attracts the attention of honourable members on this side of the House is the descriptions of the mamlatdars and mukhtiarkars as the backbone of the administration. They may be the backbone of the Revenue Department. But shall we pay more attention to the backbone of the administration or to the backbone of the nation as a whole ? The primary teachers are crying hoarse over their ill-paid

[Dr. M. K. Dixit]

service; they are the real backbone of the nation; they are the soul of the country; they are the people who create and mould nations. When they are being denied a little increase of Re. 1 or Rs. 5, we are surprised to find the Honourable the Revenue Member coming forward and asking for a lakh of rupees for revision of the pay of mamlatdars and mukhtarkars who are fairly well-paid.

The Honourable the Home Member asked us whether we wanted briefless barristers and briefless pleaders to be employed in the judicial service as subordinate judges. So far as my information goes, it is mostly—I would not say invariably—it is mostly the briefless pleaders who are taken up by Government into their judicial service.

Then, again, this revision has been put forward as a matter of urgency. I do not see any particular urgency in revising the pay of these mamlatdars. I think they are quite content with what they have been getting. Of course any man in service will demand more and more pay; even the members of the Civil Service who have been getting fat salaries according to the recent resolutions of the Lee Commission, will say that they are not receiving what is due to them, what is necessary for them—in a short time they will again ask for a revision. Any man who has got more will ask for more: the more you give men, the more they will ask. The craving of money is something like alcoholic drink; the more they drink the more they will demand. I therefore support the cut which has been moved by my honourable friend Rao Bahadur Kale.

MR. R. S. ASAVALE (Bombay City, North): Mr. President, I am sorry that members on this side of the House have brought forward this cut. I oppose this cut for the simple reason that unless and until responsible officers of the rank of mamlatdars and mukhtarkars who are in this case Indians—are paid adequately it is not possible that the administration will go on satisfactorily.

MR. K. F. NARIMAN: Does that go on satisfactorily with fat salaries?

MR. R. S. ASAVALE: Rs. 300 or Rs. 275 to an Indian is not a fat salary. Sir, we do not want any cut on the salaries of officers who are paid Rs. 500 and below, but on the salaries of officers who are getting above Rs. 500.

The cut should be effected there and not in the salaries of these officers who are paid so low. Sir, I am going to congratulate the Honourable the Revenue Member for bringing in this increase (hear, hear). I would also request him and the Honourable the Finance Member in the same way to bring in a demand to effect the increase of pay of the poor Government peons and menials who are so ill-paid. Nobody would take care of them but the Government. So, Sir, if such a demand as to increase the pay of the peons and menials is brought before this House, I would be the first man to congratulate the Government. They would therefore bring such a proposal and increase the pay of the poor Government peons and menials at an early date, I mean next Council Session.

DR. M. K. DIXIT (Surat City): And from where to find money to pay them?

Mr. R. S. ASAVALE : This is not the place to find the money. The Government exchequer would find the money. With these few remarks, Sir, I would oppose the cut.

Mr. SYED MUNAWAR : Sir, I rise to oppose the cut which the honourable member Rao Bahadur Kale has moved. He says that the present time is not favourable to the revision of the mamlatdars' pay. I do not understand the logic of his statement. When Government itself comes forward to increase the scale of mamlatdars we must do all we can to support it. As my honourable friend Mr. Asavale has said just now, we must not only welcome the increase in the case of mamlatdars' pay, but in the case of Government peons and menials also. As a matter of fact, a resolution has been passed in this Council on the initiative of my honourable friend Rao Bahadur Bole in 1926 for the revision of the scale of pay of the peons, but that has not yet been given effect to. If Government can see their way to revise their pay as they have offered to revise the scale of the mamlatdars' pay, we must be prepared to support them in that move also. When there is a cry raised on this side of the House that the pay of Indians is not sufficiently decent to enable them to live a decent life and to keep them above corruption, I am wonderstruck to see the argument of my honourable friend Dr. Dixit that the pay is a fat one, that Rs. 275 or 300 is a fat salary. I do not at all concur with him when I know full well that the mamlatdars have, besides revenue and magisterial work, multifarious duties to perform; they shoulder big responsibilities, their jurisdiction is vast and wide, and they do not get any travelling allowance for that. If Government revise their pay so as to give them Rs. 25 or 30 more we should not grudge to sanction this increase. I, therefore, wholeheartedly support the demand and oppose the cut.

SYED MIRAN MUHAMMAD SHAH (Hyderabad district) : Sir, I rise to oppose the cut. I am not doing it out of any love for any class of Government servants but on the merits of the question. I cannot agree with the honourable member Rao Bahadur Kale who has said that the analogy of sub-judges and assistant engineers ought not to be applied to mamlatdars. I am only speaking from my personal knowledge and personal experience of this class of public servants and from a particular point of view. That particular point of view is this that every Government servant who is not properly paid is prone to corruption, and I only support this revision simply from the point of view of giving them a chance to keep themselves above corruption. I think they should be given chance to act up to the principles of honesty, because I am certain that people from this cadre have to live a hand-to-mouth life, as they have got large families to support, and at the same time being mamlatdars, that is, officers in charge of a unit of administration, have to keep up their status. The duties involved in the post of mamlatdars are many and manifold, having to do general, revenue, judicial and every sort of other administrative work. Everything is being thrown upon them during the days of riots, also during the days of the floods and the days of famine all the work is thrown upon the head of the

[Syed Miran Muhammad Shah:]

mukhtiarkars. That is not the case with the sub-judges. I personally feel that there ought to be a reduction in the salaries of those who draw fat salaries. As was suggested by the honourable member Mr. Asayle, the poor people in the lower grades ought to be given more encouragement and more assistance : from that point of view alone I think Rao Bahadur Kale will be well advised to withdraw his motion.

From my personal knowledge I say that the mukhtiarkars ought to be given a chance to remain above corruption. If you carry this cut, they will be led to corruption on a larger scale. They directly deal with agriculturists so that in passing the revision you will be looking to the interests of the agriculturists. We ought to encourage this class of public servants. With these words, Sir, I oppose the cut.

Khan Sahab ALLAHBAKSH (Sukkur District) : Sir, I rise to oppose this cut mainly on this ground that we have generally heard of corruption,—very great corruption, more particularly in Sind and in the subordinate service also. This demand is to increase the pay of the subordinate service of the revenue department. Now generally the argument advanced is that the corruption is more because the subordinates are not well paid. Now by increasing their pay they are given a chance to improve themselves. Now if they get a handsome and decent pay and after that corruption does not stop, then there is great justification for Government to put an iron hand. There are general complaints of the subordinate staff being underpaid. At present as some honourable members know, the mukhtiarkar has got many complicated duties to perform ; he has got charge of a taluka and more or less has got to do many and important duties. I do not of course agree with the view that the mukhtiarkar in the Revenue Department is equal to the sub-judge in the Judicial Department or the Assistant Engineer for one reason, that the Sub-Judge or Assistant Engineer starts with a pay of Rs. 300 whereas a mukhtiarkar starts with Rs. 200. Formerly these officers were also similarly started. So I think the Government view may be to raise the scale and standard of a sub-judge to that of a sub-divisional officer. For the very reason I have mentioned, I maintain that Government should give mukhtiarkars sufficient to make their living and to lead honest lives. It is but right that their pay should be sufficient to keep them going and to keep them out of corruption. For this reason I hope that the honourable the mover will withdraw his cut.

Mr. S. P. LIGADE (Sholapur District) : (Addressed the House in Marathi) : Sir, I feel great wonder at the cut moved by Rao Bahadur Kale. His scrutiny was not directed to the allowance of *Pattewallas* serving with strict vigilance and honestly for generations (past). They have served for more than two generations on the same scale of pay. The question of increasing their scale of pay has been much discussed. The question about their pay was discussed in the Council just after the Reforms were granted. Now a scheme is under contemplation that the scarcity

[Mr. S. P. Ligade]

allowance given to them should be included in their pay. It is very fortunate of the peons that Rao Bahadur Kale did not direct his attention to the question of their pay as he did in the matter of the Mamlatdars. It is inconceivable why Rao Bahadur Kale should be ready to strike a blow at the increased scale of pay of his own people.

Those people who are accustomed to move about in motor cars in big towns like Satara and Bombay cannot have any idea of the hardships of men walking on foot. So how can they be expected to get an idea about the expenditure and hardships suffered by the Mamlatdars who are under the rules required to be on tour for at least fifteen days or so in a month. Mamlatdars have to keep a tonga of the cart type. As they come in contact with men of various types and men from all departments and have to work hard for 14 to 18 hours a day I know perfectly well from my own experience that they are not able to make both the ends meet in the present times of scarcity. Almost all the Mamlatdars are well educated and they have to stay in towns and have to keep up their position. They have moreover to spend much on the education of their children and this item of expenditure is ever on the increase. Barring a few exceptions of Mamlatdars who work with double motives, Mamlatdars as a class who are honest and conscientious find it very difficult to cope with the expenditure in respect of house rent, household expenditure, etc., month by month. The same is the state of things in the case of sub-judges. I say this with full conviction with the backing of experience gained from my contact with village officials. I, therefore, request Rao Bahadur Kale to withdraw the cut moved by him. With these words I resume my seat.

Mr. N. B. CHANDRACHUD (Poona City) : Sir, I support the motion of my honourable friend Rao Bahadur Kale. Sir, there was a thick rumour in the air that far from expecting that the salaries of officers in the subordinate judicial service and the salaries of mamlatdars would be increased, their salaries, especially of mamlatdars, are to be reduced. And several of us expected that on account of the financial stringency the Honourable the Finance Member would take drastic steps in making some reductions. While we were expecting some reduction, we are confronted with a motion for the increase of the salaries of mamlatdars, and the reasons as given are two. In the first place, it is said that the mamlatdars are officers of the same rank as the second class sub-judges, and secondly they are the back-bone of the service. Both these statements, Sir, with due respect to the Honourable the Revenue Member, I submit, are not correct statements of facts and are also rather bad in taste. In the first place, it is not a correct statement of fact that the mamlatdar is an officer of the same rank as the sub-judge. The sub-judges are gazetted officers. Their appointments are made by His Excellency the Governor in Council. The mamlatdars are not gazetted officers. The sub-judges were getting a scale of Rs. 150 rising to Rs. 400—I am talking of the years before the increase in their salaries was made—while the pay of the mamlatdars was Rs. 150 rising to Rs. 250 ; they were getting Rs. 150, Rs. 175, Rs. 200 and Rs. 250. Now it is not a correct statement of fact

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From my personal knowledge I say that the mukhtiarkars ought to be given a chance to remain above corruption. If you carry this cut, they will be led to corruption on a larger scale. They directly deal with agriculturists so that in passing the revision you will be looking to the interests of the agriculturists. We ought to encourage this class of public servants. With these words, Sir, I oppose the cut.

Khan Sahab ALLAHBAKSH (Sukkur District): Sir, I rise to oppose this cut mainly on this ground that we have generally heard of corruption,—very great corruption, more particularly in Sind and in the subordinate service also. This demand is to increase the pay of the subordinate service of the revenue department. Now generally the argument advanced is that the corruption is more because the subordinates are not well paid. Now by increasing their pay they are given a chance to improve themselves. Now if they get a handsome and decent pay and after that corruption does not stop, then there is great justification for Government to put an iron hand. There are general complaints of the subordinate staff being underpaid. At present as some honourable members know, the mukhtiarkar has got many complicated duties to perform; he has got charge of a taluka and more or less has got to do many and important duties. I do not of course agree with the view that the mukhtiarkar in the Revenue Department is equal to the sub-judge in the Judicial Department or the Assistant Engineer for one reason, that the Sub-Judge or Assistant Engineer starts with a pay of Rs. 300 whereas a mukhtiarkar starts with Rs. 200. Formerly these officers were also similarly started. So I think the Government view may be to raise the scale and standard of a sub-judge to that of a sub-divisional officer. For the very reason I have mentioned, I maintain that Government should give mukhtiarkars sufficient to make their living and to lead honest lives. It is but right that their pay should be sufficient to keep them going and to keep them out of corruption. For this reason I hope that the honourable the mover will withdraw his cut.

Mr. S. P. LIGADE (Sholapur District): (Addressed the House in Marathi): Sir, I feel great wonder at the cut moved by Rao Bahadur Kale. His scrutiny was not directed to the allowance of *Pattewallas* serving with strict vigilance and honestly for generations (past). They have served for more than two generations on the same scale of pay. The question of increasing their scale of pay has been much discussed. The question about their pay was discussed in the Council just after the Reforms were granted. Now a scheme is under contemplation that the scarcity

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to say they are of the same rank as the second class sub-judges. Then, secondly, Sir, you cannot make such a distinction and call one officer the back-bone of the service and another officer the front bone of the service. I would certainly make no such distinction. If there is an increase in the work of the mamlatdar, then certainly there would be some justification for increase in their salary. But, so far as my experience goes, rather the mamlatdar's duties have become lighter. If you compare the duties of the mamlatdar 30 years ago and the duties he has to perform at the present day, you will find that his duties have become lighter. In the old days the mamlatdar had several duties. In the first place, the mamlatdar had several suits to decide under the Mamlatdars' Courts Act. But on account of the amendment of that Act, that jurisdiction has been taken away. Secondly, the revenue work has become, as a matter of fact, like clockwork and the mamlatdar has to go through certain forms and to work only like a machine. As far as criminal work is concerned, we find Government have been good enough to appoint several persons as honorary magistrates, and even in several talukas we find Government have appointed some people as resident magistrates. So, the mamlatdar's revenue work, criminal work and magisterial work, all these three duties have become lighter and easier. Sir, I do not believe in the proposition that for securing an efficient officer you must give him high salary. It all depends upon individual merit and individual capacity of the officer. Simply because you offer a high or fat salary you get an efficient officer, to say that is not a correct statement of fact. Thirdly, I would not grudge paying these officers a fat salary provided your recruitment was all right. But look at the way in which you recruit men. I know of a case where a man was content with a starting salary of Rs. 70, but God was pleased and he was taken at once as a probationary deputy collector. I know of a case where a man was content with getting a place as a probationary sub-judge, but God was pleased and he was offered a post of an assistant judge at once. ....

An Honourable MEMBER : What is his name ? What are the names of these gentlemen ?

Mr. N. B. CHANDRACHUD : I do not want to give the names. If you come to me privately, I can give you the names. But I am sorry I cannot give you the names in this open Council. So, the way in which recruitments are made certainly does not contribute to the efficiency. I ask you to point out a single instance in the judicial service where you find a man of the capacity and ability of the late Mr. Justice Ranade. Is there a single officer in the whole of the judicial service who can be compared with Mr. Justice Ranade ? So also, in the revenue service, have you got officers who can be compared to officers who were serving in the old days ? No. And the chief reason is that the way in which you recruit these services is certainly not the correct way and does not contribute to the efficiency of the officer. So, for all these reasons, there has been no case made out. As a matter of fact, we find the time has come when the salaries ought to be reduced. If you take into consideration the qualifications and the work especially which these officers

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are required to do, the time has come when you should reduce the salaries. I put it to you, ask any one of the mamlatdars, ask any one of the sub-judges, to go outside their employment and try to earn even one-fourth of the salary which they are getting as mamlatdar or as sub-judge. I am sure any of the divisional officers will be able to confirm that any mamlatdar who loses his job will not be able to get outside even one-fourth of what he gets as a mamlatdar. Let a sub-judge give up his job, and let him earn the amount which he is getting as a sub-judge. Ask a mamlatdar to give up his post and to seek some other employment. He would not get even half the salary he is getting from Government. These are, as a matter of fact, overpaid services, and the time has come, especially when prices are going down, when we must cry a halt.

Mr. J. GHOSAL : Sir, I want, first of all, to explain briefly what are the duties and responsibilities of a Mamlatdar, so that the Honourable Members of this House can form their own opinion as to whether the present pay of the Mamlatdars is sufficient and, if not, whether there is any urgency for paying them more. Now, as to the duties of these Mamlatdars, I would like briefly to read an extract from what an experienced officer said 70 years ago. I am referring to Mr. Nairne. He said :—

“The Mamlatdar is at the head of an office considerably larger than that of any Assistant Collector, and besides the members of his own office he has also under his orders all kulkarnis and talatis and to some extent also the patels of the villages within his jurisdiction. He is in charge of the taluka treasury, into which all money due to Government in that taluka is paid and from which nearly the whole of the money expended for Government in the taluka is issued. All orders from the Collector to any persons, official or non-official, pass as a rule through the Mamlatdar, and petitions received from any inhabitants of the taluka are almost invariably sent to him for report. From this the importance of the Mamlatdar's position will be understood even without considering his magisterial authority. But besides this purely revenue work the chief official of every department in the collectorate also corresponds direct with the Mamlatdars, as the Superintendent of Police, the Executive Engineer, the District Forest Officer, etc., and it is to the Mamlatdar that any, official or non-official, travelling through the district, applies for aid.”

“There is no doubt that Mamlatdars as a rule are very hard-worked, and their responsibilities are more like those of the Collector than an Assistant Collector's.”

I would next quote what one honourable member of the Council well known to most of the members here, *viz.*, Sir Richard Lamb remarked more recently about Mamlatdars :—

“Compared with the great majority of the Sub-Judges certainly those of the Second class, the Mamlatdar has duties far larger in volume, infinitely more varied in character, with far heavier financial responsibilities, and far wider opportunities for doing good or evil. Even in judicial or quasi-judicial matters his powers are in many respects comparable to those of Sub-Judges. He has considerable magisterial powers, not uneldom those of the First class and on the civil side has wide jurisdiction regarding the grant of assistance to landlords in the recovery of their rents and the decision of the summary possessory suits under the Mamlatdars' Courts Act. It is unnecessary to enlarge on his responsibilities in connection with land revenue. The whole of the collection both of land revenue and tagai and the enforcement of summary powers of recovery are in his hands. As stated by the Decentralization Commission the Mamlatdar stands in the eye of the people as the representative of Government, while to the superior officers he is of course the principal official source of information on an inconceivably wide variety of subjects.”

The duties of the Mamlatdars have since become more responsible, they are more hard-worked and the duties are more delicate in character.

[Mr. J. Ghose.]

I do not want to delay any longer on the position and duties of the Mamlatdars. I think it must be admitted that they have got very responsible and heavy duties to perform and the only question we ought to discuss here is whether they are getting adequate remuneration or not.

As regards this point, I would like to quote the views of one of the most far-sighted statesmen, Sir Mount Stuart Elphinstone. As long ago as 1821 or more than a century ago he wrote of the necessity of raising the Mamlatdars to the rank which might make it possible for Indian gentlemen to associate with them and proposed that the starting pay of the Mamlatdars should be fixed at Rs. 200 or 250. The starting pay about 100 years ago was to be Rs. 200. May I ask the House to consider what that Rs. 200 is equivalent to now? However as usual the Mamlatdars did not get what was recommended. As Rs. 250 was recommended as the *starting* pay Government decided that the *maximum* pay should be fixed at Rs. 250. This scale was in force till 1910 when a new grade of Rs. 225 was created and there was a readjustment of grades. Excepting for this, there was no improvement until 1920. In 1920 two grades sanctioned were—

	Rs.
First Grade	.. 275—15—350
Second Grade	.. 200—15/2—260

This improvement in 1920 was made along with the improvement in other departments. I do not want to make any invidious comparison, but some comparison is necessary. I will take the case of Sub-Judges of the second class who approximate more closely to Mamlatdars in talukas. In 1870 the starting pay of a Sub-Judge was Rs. 100. In 1882 it was raised to Rs. 150. In 1922 it went up to Rs. 300 rising to Rs. 650. But the Mamlatdars were left far behind. Even now we propose to fix the limit at Rs. 400. So even now the Sub-Judges who at one time drew less starting pay than the Mamlatdars, *viz.*, Rs. 100 would still be starting higher and reaching higher. I do not wish to suggest that the Sub-Judges do not deserve their present scale; they fully deserve it. All I am urging is that the Mamlatdars deserve it as well and I do not see any reason why they should be kept out of it. Apparently the general idea was that the Mamlatdar is a man who holds a very high appointment, an appointment carrying a lot of prestige and "*abru*" and an appointment which carries the honorary title of "Rao Sahab" and so he must be content with the pay which he gets even if it is less than what he ought to get. I am afraid those days are gone. It is a fact that Mamlatdars are not very happy now. They are all disgruntled. I do not wish to harp on the question of corruption referred to by so many honourable members on the other side. It is unfortunate, but many of our senior officers are of the opinion that Mamlatdars find it very difficult to live honestly on the pay they get, and so the temptations to which they are open are too great and so it is high time that we took steps to see that there was no reason for it. As far as I can

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make out, most of the honourable members do not object so much to the increase but urge that on account of the present financial stringency the whole matter should be postponed to better days. I am afraid that that is the argument which has always been advanced in the case of Mamlatdars but not in the case of other departments and so the Mamlatdars of the Revenue Department have fallen behind. I think the time has come when we should try to bring them up to the level of these other officers without any more delay.

Sir VASANTRAO DABHOLKAR : Sir, I oppose the motion for the cut which I am suprised to see comes from the honourable member from Satara. It was said by the same honourable member that there should be no comparison between the salaries of the subordinate judges and those of the mamlatdars. I put a question to him, why should there not be a comparison ? On the contrary a comparison must be made according to the work done by the sub-judges and the work done by the mamlatdars. The mamlatdar works 365 days in the year ; the sub-judge works only nine months in the year owing to the May vacation, the Easter and Christmas Holidays. Certainly, Sir, I may be pardoned to say that neither pleaders nor advocates will ever agree to reduce the salaries of sub-judges but they will be sure to attack the poor mamlatdars. It is but natural, it is human nature, I cannot blame the honourable member Rao Bahadur Kale, but as regards the honourable member Dr. Dixit, he put rather an impertinent question to this Council asking the Council, why Government did not increase the salaries of teachers who are the back-bone of the administration in giving education to the school-going children ? That shows the ignorance of the honourable member. I see him staring at me. During the last 20 years, the salaries of teachers have been doubled. I have got with me the actual figures which will bear out my statement that their salaries have been doubled. Why is there so much sympathy now for the primary teachers ? Are the present-day teachers superior in calibre to those who existed during our time ? But, Sir, we must remember that the election time is coming near and hence this anxiety for the salaries of primary teachers has cropped up. It has been said times out of mind that the cost of living has gone up. If the cost of living has gone up, may I know from the honourable members who have supported this cut whether the cost of living has not gone up in the case of the mamlatdars ? If the cost of living has gone up, why should not the mamlatdars' salaries be increased ? These officers have been waiting for an increase for the last so many years, and Government should be congratulated that they have come forward with a proposal, though late in the day, for increasing the salaries of the mamlatdars. There is always a hue and cry for the Indianisation of services, and now when Government come forward to increase the salaries, not of foreigners but of Indians, the same representatives of the people are opposed to it ; they say that the salary of the Indians should not be increased. What times are we coming to in these reformed days ?

Dr. M. K. DIXIT : Dada Bay and Barage.

Sir VASANTRAO DADHOLKAR : Mr. President, whenever I rise to address the House I find the representative for the Poona City constituency is absent, disappointed, and he has disappeared now. He had the honour to say that the mamlatdars' salary should be reduced; he is another member who does not like the mamlatdar. Why should the salary be reduced? Has the honourable member shown any reasons why their salaries should be reduced? (I am glad he has made his appearance.) Mr. President, the honourable member who has just entered the House (Mr. Chandrachud) has shocked me, when he said that the mamlatdars' salaries should be reduced, if I say shocked, I say very little. Why should the mamlatdars' salaries be reduced, and why should he take up a brief on behalf of the subordinate judge? I am sorry to repeat again that subordinate judges are enjoying three months' holidays in a year. Do they deserve more salary than a mamlatdar who is in harness for 365 days in the year? That is the justice meted out by the people's representatives to their own people. It is stated that the teachers' salaries are not increased. I say they have been increased all over the presidency including Bombay city. In Bombay a teacher who has passed the secondary examination gets Rs. 30 and a third grade teacher gets 60, while a head master in our time was not drawing more than Rs. 30; and still the honourable members want the teachers' salaries to be increased; and when a teacher's salary is increased, he will get a fat salary and is quite fit to canvass votes for the honourable members opposite.

Mr. B. R. NANAL (Ratnagiri District) : Sir, I support the motion moved by my honourable friend Rao Bahadur Kale. In fact, I have given notice of a similar motion. I accord my support to this motion on principle. I do not think we need consider whether this increase is necessary or not. I know the mamlatdars and mukhtiar-kars have been discharging manifold duties and they are at times hard ones. The question however that is of importance is, are they really inadequately paid? The next point is that some kind of revision with regard to these public servants has already taken place. Now that revision may not have been made on the same scale as for instance in the case of the sub-judges and others, but that does not mean that the mamlatdars are rather underpaid and that the sub-judges are not overpaid. That is a point upon which at least on this side of the House there is a very serious doubt. Now, I was surprised to read the following remark in the note on this item :

"This state of affairs is affecting their morale, as has been constantly reported by district officers."

I refuse to believe, Sir, that this can be a fact, but if it is a fact, then I would unhesitatingly say that the mamlatdars are not worth their salt, and the sooner they are asked to quit the better.

As regards the question of finance, there are many things which we have to hold over because we have no money, and I doubt whether the financial condition of our presidency is likely in the near future to

[Mr. B. R. Nanal]

improve to the extent of enabling us to undertake revisions of the salaries of our public servants in the way we are doing. I would therefore vote in favour of the motion moved by my honourable friend Rao Bahadur Kale.

The Honourable Mr. J. L. RIEU : Mr. President, so much has already been said on both sides of the House in opposition to this cut that there is really very little for me to say further on the matter. There is only one point with which I should like to deal in particular and that is the principal argument put forward by the honourable mover in support of his motion. His argument, as I understand it, is that because at present there is a disparity between the salaries of these Mamlatdars and Mukhtiarkars on the one hand and the subordinate judges on the other, the proper course for Government to take is not to enhance the pay of the Mamlatdars, but on the contrary to reduce the pay of the sub-judges and thus bring about equality. Well, I admit that there would be some force in the argument as an objection to our proposals, if those proposals contemplated a thorough revision of the pay of Mamlatdars, so as to bring it approximately in a line with the scale of pay of the sub-judges. But I would ask honourable members to note that the present proposals, which we have put forward before the House, do not in any sense amount to a general revision of the scale of pay of Mamlatdars. As the House will see, the two main grades in the scale of pay will remain exactly the same as the two grades which at present exist. The starting pay is still only Rs. 200 and the top of the scale is still Rs. 350. All that we do is to propose the addition of a limited grade from Rs. 370 to Rs. 400. As I say, this is in no way tantamount to a general revision of the scale of pay of Mamlatdars. All that it does is to give some prospects of advancement to a limited number of the Mamlatdars, namely, those who will have no chance, by reason of age or other personal reasons, of rising to the grade of Deputy Collectors. Personally, if I may state my views, I think that the mamlatdars deserve a higher scale of pay all round and I had proposed a much more substantial improvement in the pay of these officers. But I felt that it was not possible, in view of the present state of the finances, to press that scheme on my honourable colleague the Finance Member. Therefore, I was prepared to accept the present proposals, though purely as a provisional measure and as constituting something that will go some way towards satisfying what I consider to be the legitimate claims of the Mamlatdars to the improvement of their prospects. I may say that we have had this question of the improvement of the prospects of the Mamlatdars urgently and repeatedly brought to our notice during the last 4 or 5 years. We are convinced that there is a strong case for the improvement of the pay of these officers. As I have said, I do not consider that our present proposals are entirely adequate, but we have done the best we can under the circumstances. I hope this will have the desired effect of assuring this class of officers, who form a most important factor in the general administration of this presidency, that Government have not overlooked their claims and are desirous of giving them some relief within limits of practical possibilities.



Khan Sahib A. M. MANSURI (Ahmadabad and Surat Cities) : Sir, I rise to strongly oppose this cut. The mamlatdars are a class of officers who are hard-working and whose services are required at any time of the day during all the 24 hours. They work not only as revenue officers but also as magistrates. So their duties are two-fold. Their services are required during the famine, during the flood, during the harvest and on every occasion. Because they collect the revenue from the people, they are not a favourite of the people. People have got to take out the money from out of their pockets, which is not an easy job, and so they do not like him. Now-a-days times have changed. In days gone by the mamlatdars when they go to visit villages used to get conveyance from the people. Now they have to provide their own conveyance. They used to get *masi* and *lipas* as the mukhtiar-kars get in Sind. Now times have changed and the mamlatdars have to cook their own food in their places of halt. If they do not oblige the intriguing persons in the village, they do not get even a *hota* of water to drink. The mamlatdars have to face so many difficulties and have to arrange everything themselves. These officers are required to work not only for 24 hours of the day but during all the 365 days of the year. On the other hand the sub-judges get their a, b, c, d leave, the mamlatdars get no leave of any sort. The demand made by the Honourable Member is quite a proper one and we are only doing justice in carrying this demand. These people earn money for the State. If we do not get their services I do not know how we can pull on with the administration. I hope honourable members will sanction this grant. I see the honourable member Mr. Shivdasani nodding his head and I hope he also will join us in voting for the grant.

Mr. V. N. JOG (Dharwar District) : Sir, I did not desire to intervene in this debate, as I thought that under the special circumstances of the case the mamlatdars might be given this increase. But certain remarks of the Honourable the Leader of the House has raised an alarm in my mind. He said that he was in favour of a greater increase and that under very great stress he has to reconcile himself with the small increase, as he calls it. The point raised by the mover of the cut was in my opinion, not with respect to the raising of the pay of the mamlatdar or mukhtiar-kar so much. The general complaint on this side of the House is that the salaries of officers of the various departments which were raised disproportionately during war time have not been reduced. The question is, it is time now to reduce the salaries of officers of various departments which have been recently raised instead of making an attempt to raise the pay. What I wish to argue is this : though the increase of these officers may be just under special circumstances, this should not be made a ground for not reducing the salary of officers in other departments. At the time of the introduction of the budget the Honourable the Finance member said that if the House wanted to reduce the salaries of officers they should bring in a special resolution. So, this means that the increase now given to mamlatdars on the merits of their case should not be considered as a ground for not reducing the salaries of officers in other departments.

[Mr. V. N. Jog]

Then, the honourable member Sir Vasantryao said that those who had spoken in favour of this motion were pleaders and therefore they were more inclined to favour the sub-judges as against the mamlatdars. Had he been present at the time when the mover of the cut made his speech, he would certainly not have made that remark. What the honourable member Rao Bahadur Kale said was that it was high time to reduce the salaries of the sub-judges as well as of certain officers of other departments which have been increased. He did not confine the reduction to mamlatdars only. In this connection I wish to bring to the notice of the House that the mamlatdars cannot be put on the same footing as the sub-judges and the assistant engineers. The reason for that is that these mamlatdars are merely graduates, whereas the assistant engineers are technically qualified men. As regards sub-judges they have to undergo a special training in law. Therefore it is quite just that their pay should be more than that of the mamlatdars. But it should not be understood that I mean to say that the salaries which have been increased in the case of officers of the several departments and in the case of the members of the judiciary should not be reduced. As I have already stated during the budget debate and in the Finance Committee, I consider it necessary to reduce the pay in the various departments where they have been disproportionately increased.

It was asked why we require the salaries of the menials and the teachers to be raised. Sir Vasantryao argued why the teachers' pay has been doubled. But he has completely forgotten the vital fact of the minimum subsistence wages. In the case of these officers it is not a question of subsistence. The case of the menials and teachers cannot be compared with that of these officers, who get a decent pay. With these remarks I oppose the cut.

Rao Bahadur R. R. KALE (Satara District): Sir, the object with which I moved this cut has been entirely lost sight of both by the official side and, I regret to say, by the non-official side. I expected a reply from the official side to the question of principle which I raised. Sir, Sir George Curtis who was Finance Member in 1921, when he spoke on this question, if my memory is correct, observed that he was afraid that the revisions had been made too liberal and stated that it should be a matter for reconsideration when the prices would go down. Now, eight or nine years have passed since then, and my submission to the honourable members of the House is that it is now time to consider the question of policy as a whole. I am not going to make any invidious distinction between this service and that.

The arguments advanced by the honourable member Sir Vasantryao Dabholkar are simply amusing. The matter is not one to be treated in that fashion at all. Well, I do not wish to take more time; but I wish to make a reply to the statement of the Honourable the Leader of the House that these proposals are merely provisional and temporary, not final and not entirely adequate. This is just the point that strikes me as being an indication of the future policy. I say you must cry halt, because if you proceed bit by bit, then you cannot retrace your

[Rao Bahadur R. R. Kulkarni.]

step. I say if you are going to overhaul the scale of salaries it is no use proceeding like this. The Honourable the Finance Member told us the other day that if we wished to reduce the salaries, this House should pass a resolution to that effect. It is no part of the duty of this side of the House to deal with such a financial question. My suggestion is that the Honourable the Finance Member should consult the heads of various departments: they should put their heads together and then order a revision of the various salaries. They should thrash out the question from the poor taxpayer's point of view. It is from the poor taxpayer's point of view that we are pleading for reduction of the salaries and not with a view to putting the mamlatdars to loss. We have sympathy with all Government servants: their duties are hard; they may be deserving even more pay. But where is the money to come from? The burden of their salaries ultimately falls on the poor taxpayers. It is of course an unpopular task to come forward in this House and say that the salaries of Government servants are too high and must be reduced. I know that; but we must cut our coat according to our cloth: that is the principle to be observed in private business and in Government administration. The honourable member Mr. Asavale stated that we must cut down only the pay of those officers who receive more than Rs. 500 a month. Here we are not sitting in judgment over the scale of pay for the Imperial Services: we are now dealing with the question of revision so far as it lies in our hands. I have been complaining from the very beginning that the salaries for the higher officers are also too much for the poor taxpayers: I do not for a moment say that the standard of pay in this country for the higher officers is such as can be borne by this country. But we should not mix up the two questions here. Now we are concerned with the provincial services, and in connection with that we have to consider whether the time has not come to reduce their salaries. If you go through the debates of the first Council you will find, if I remember right, that the revisions then given were intended to meet the increase in prices brought about by war conditions, but it was then visualised that the time would come when the whole question should be reconsidered. Those were the declarations of those days. In view of the lapse of time that has taken place since then, my submission is that the matter should be reconsidered in that light.

I need not go into the individual merits of the two services, the judicial service and the revenue service, but I may say that if the duties have in some cases increased, in other cases they have also decreased. For instance, the appointment of resident magistrates has to some extent reduced the duties of mamlatdars. But that is a matter for the Revenue Member to consider—if in some respects the duties have increased, whether they have not decreased in other respects. That is not the question raised by me.

Secondly, with regard to the question of corruption, of course you must give them adequate pay: there is no doubt about that; but my own opinion is, simply because you pay a high salary it need not

[Rao Bahadur R. R. Kale]

necessarily follow that there will be no corruption—it depends upon the individuals chosen. It is no use mixing up these two questions.

I am not going to press this motion to a division, but I do hope that we will get from the Honourable the Finance Member some kind of inkling as to the policy they wish to observe in the future—whether they intend to consider the question of revision as a whole. If the salaries in one department have gone too high, let them be reduced by all means. So far as I am personally concerned I would be the first to support it : I have no partiality for this department or that department. We should consider the whole matter from the taxpayer's point of view. It seems to be a vicious circle that we follow. Now the time-scale has been introduced : it was not known before ten years ago. Ten years ago there used to be some appointments on Rs. 200, some on Rs. 100 and so on ; and a person used to get a higher salary when he was promoted to the next higher grade. When the time-scale was introduced, they had no idea that the burden would go on increasing and that at the end of ten years the burden would be so heavy as to put them to the necessity of imposing fresh taxation. We are simply starving the nation-building departments. This seems to be a budget for public servants and not a budget for public service or the service of the people. My submission, therefore, is that the Honourable the Finance Member should enlighten us on this point, and after he has spoken I think I shall ask for leave to withdraw the motion.

The Honourable Mr. G. B. PRADHAN : Mr. President, I am thankful to the honourable mover of this cut for asking me to state whether Government are considering the policy of retrenchment by reducing the salaries or not. I submit to the honourable House that that question is constantly before Government : it is the principal question which Government are considering and as regards new recruits to the services salaries have been reduced. My honourable friend the mover pointed out that in 1921, when the salaries were revised, there was an undertaking that the salaries would be reduced when the prices went down. I think that is also the wording of the resolution, but a question has been put even to-day by the honourable member Dr. Ambedkar implying a demand that Government should make applicable the scale of salaries given to lower division clerks in the Secretariat to clerks in all other Government offices in Bombay. That is the demand which is made even to-day.

Rao Bahadur R. R. KALE : That is a question put by an individual member : we are not concerned with it.

The Honourable Mr. G. B. PRADHAN : So there is a demand to raise the salaries of clerks. There is a demand to raise the salaries of primary teachers. There is also a demand to raise the salaries of peons and menials. Now I do not know what Government can possibly do under these circumstances. But now the question before this honourable House is whether this proposed increment to these mamlatdars is necessary or not. Are not the mamlatdars the most responsible officers ? Has not each mamlatdar got a taluka to manage ? He has

[Mr. G. B. PRADHAN :

got various duties to perform. They are the persons on whom the whole burden is thrown. Who are asked to go to the help of the people in times of calamities like the floods ? The mamlatdars are called upon to do all these extra duties. Prior to the increments which were last given to them, their pay was Rs. 150 to 250. What is the value of a rupee to-day as compared with its value in those years ? And what is the increment that is being asked for these officers now ? If the honourable members will look at the percentage of posts, it is 50 per cent. for the last grade, 30 per cent. for the first grade and the selection grade only contains 20 per cent. posts. Now some of the recruits to Deputy Collectorships are directly taken. Thus the senior mamlatdars are blocked at a certain stage of their service and cannot aspire to the posts of deputy collectors. Should there not be at least a few selection grades ? Do they not deserve them ? My honourable friend Mr. Chandrachud says that sub-judges and mamlatdars will be unable to find livelihood if they give up their present posts and seek employment elsewhere, and that they will not get even one-fourth of what they get. So his complaint is as regards the persons who are serving the departments that they are not properly selected. You are not getting proper recruits because you are paying them less. . . .

Rao Bahadur R. R. KALE : But the recruitment must be proper.

The Honourable Mr. G. B. PRADHAN : The recruitment must be proper no doubt, but the person who is given the salary must be ready to accept it. Are we to take briefless barristers or briefless pleaders ? The person who does not care to take it does not want that post. If you want proper persons for your posts, then there must be proper salaries paid. I do not mean to say there is no scope for retrenchment. There is financial stringency and we are really anxious to retrench. But if you want competent men to hold the posts, you will not get them unless they are properly paid. For example pleaders with good incomes would not be willing to accept the posts of Assistant Judges. Are there not such instances where persons with good income when they were offered Assistant Judgeships refused to serve in those posts ? Government are not anxious to pay more than is absolutely necessary. But the question before the House is whether the mamlatdars deserve this revision which is sought to be given to them by increasing the selection grade and by creating 20 per cent. posts carrying a salary of Rs. 370 rising to 400. The honourable member spoke against the time-scale. Formerly if two persons were employed with a margin of one or two days or one or two months, then till the other person retired, the second man had no chance of getting the higher post and increment. But under the time scale he knows at any rate that he will get fixed annual increments. . . . .

Rao Bahadur R. R. KALE : They were satisfied with the old system. . .

The Honourable Mr. G. B. PRADHAN : The honourable member is begging the question. He is assuming that they were satisfied with the old system. I assure this honourable House that certainly we are going to reconsider the whole question and I hope the honourable member will take back his cut.

Mr. F. J. GINWALLA (Bombay City North) : I also beg to support the cut, Sir.

The Honourable Mr. G. B. PRADHAN : But I have already given my reply.

Rao Bahadur R. R. KALE : In view of the assurance given by the Honourable the Finance Member, I beg leave to withdraw my motion.

Question put and leave granted.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move :

Item No. 30—Reorganization of the Legal Department—(Blue Book page 268)—be omitted.

This is a new item. It is proposed to re-organise the Legal Department. The Legal Department is already sufficiently strong. There are so many officers in that department. If you refer to page 91 of Civil Estimates you have one Secretary and Legal Remembrancer on Rs. 3,000, there is one Deputy Secretary and Secretary to the Legislative Council on a salary of Rs. 1,150 rising to Rs. 2,500. There is also a Personal Assistant to the Legal Remembrancer, that is to say, the Secretary to the Legal Department. There are two Assistant Secretaries, there are 3 superintendents and 15 clerks and so on. Now they want to have one more Assistant Secretary, one First Assistant and one Junior Assistant. The new Assistant Secretary is to draw a salary rising from 650 to 850. He is to get a house rent allowance of Rs. 125. The initial expenditure of the new establishment that is proposed will be Rs. 12,925 and in course of time this expenditure will grow and will become Rs. 18,517. There is a great cry raised in this House against the extravagant way in which the offices of the Secretariat are being manned and here also the same is going to be followed. The reason that is given is that the Deputy Secretary to the Legal Department has to do the work in the Legislative Council, but I think there is no proposal like the one entertained in the Legislative Assembly by which the secretary of the Legislative Assembly was to be independent of Government. No such proposal is made. They want to strengthen the staff in the secretariat. If there was some proposal coming forward for a Secretary to the President of the Legislative Council who would have nothing to do with the official Secretariat, then of course there might have been some ground for this House to consider it on its merits. The Secretariat of the Legislative Council is not to be independent of the official Secretariat. That is to say, the same position of the President, which was described so very graphically by the Honourable President of the Legislative Assembly Mr. V. J. Patel, in the words "A President or a Prisoner" is to be continued, and we are going to have additional amount of money voted for the strengthening of the Legal Department ! I think the department is sufficiently well organised and there is no reason to have more expenditure voted on that department. If there would be some proposal for creating an independent post of the Secretary, Legislative Council, we would consider it on its merits, but the proposal as it comes from the Government is not based on that principle and, therefore, I think the House would be well advised to cut down this demand.

Mr. N. A. BECHAR (Kanchi City) : Sir, I rise to support the cut. I do not possess the special knowledge about the work which this department is doing. Probably it is efficient and it is possible to do the work with the staff that it already has. But, when the question of increasing the staff comes before this House, a very exhaustive case and a very convincing case ought to be placed before this House as to why the staff should be increased. Sir, already complaints are being made from all quarters, from all the corners of this House, that as it is, the presidency is saddled with a top-heavy administration. This increase in the staff which is required, is also a part of the top-heavy expenditure, and I would very much wish, Sir, that something should be done to curtail the expenditure, on the contrary. Our honourable friend representing Salem district spoke just while the last cut was being discussed, that something should be done to curtail the expenditure. On the other hand, we are receiving proposals from Government for giving increased salaries to people who are already drawing certainly very reasonable salaries. And here also we have again a proposal to increase the staff in the Legal Remembrancer's office. There are so many Secretaries, Under-Secretaries, Deputy Secretaries, Personal Assistant to the Secretary, and so on, that there must be some new terms coined for the purpose of justifying the position of those individuals who are to be engaged now. I think there ought to be some end to these terms of Secretaries. As a matter of fact, if you will examine this list carefully, you will find that as against ten or fifteen clerks, there might be in this department ten or fifteen superintendents and about ten secretaries, and if you require fifteen or twenty people of higher salaries in order to watch the work of the fifteen or ten clerks, then I do not know, Sir, where we are coming to. Personally, I agree that the whole of the administration ought to be reduced not only in number, but in salaries also. That is the sentiment voiced from this side of the House. There are certain people who are saying that the salaries above Rs. 500 alone should be touched. I do not think it is time for this House to go into that matter just now, but the cut which the honourable member Mr. Swaminarayan has proposed ought to be supported, unless and until a very strong case is made out by the Legal Remembrancer. I personally think,—I do not know, Sir, whether this has received the approval of the Finance Committee....

The Honourable Mr. G. B. PRADHAN : Yes : it has.

Mr. N. A. BECHAR : But I do insist, Sir, that this item should be very thoroughly scrutinised before it is passed.

Mr. SYED MUNAWAR : Sir, though there is a similar motion for cut in my name, I do not wish to move it in view of the explanation which I have received from the Secretary of the Legal Department. Sir, the motion under discussion relates to the appointment of a new assistant secretary, an officer equipped with special training for drafting official and non-official bills.....

Mr. N. A. BECHAR : Not non-official.

MR. SYED MUNAWAR : Non-official also. I can say from my personal knowledge that even some of the non-official bills introduced in this House or referred to select committees require re-drafting and this necessitates a full time expert draftsman. But, Sir, my object in tabling this motion was to raise a discussion and to draw the attention of Government to the necessity of reorganising the office of the Legislative Council.....

The Honourable the PRESIDENT : Does the honourable member mean the office staff of the Legislative Council ?

MR. SYED MUNAWAR : Yes, Sir. I have seen that the office staff of the Legislative Council office is overworked even when the Council is not in session. I have personally seen most of the clerks working till late hours sometimes even when the Council is not in session. Moreover, the peons that are given to the Legislative Council office are very few in number. My considered view is that for the convenience of honourable members attending the Council sessions as also for the daily routine work of the Council office, two more peons at least are necessary, one senior and one junior. Besides that, the pay of the office superintendent of the Legislative Council office should be revised by the introduction of a decent scale. I should like to make it clear that I do not make these observations with any special reference to any particular individuals. But what I mean to say is that there should be a prize post for the office staff of the Legislative Council office—I mean the clerical staff. The clerical staff should, after steady and ripe experience, be promoted to a higher appointment as office superintendent or the post may be designated as assistant secretary for the Legislative Council. This was my object in tabling this motion for cut. But, so far as this particular demand for another assistant secretary for drafting bills is concerned, my feeling is that that demand is legitimate. So, I wish to withdraw my motion for cut.

The Honourable the PRESIDENT : Which is the cut which the honourable member is withdrawing ?

The Honourable Mr. G. B. PRADHAN : He had given notice of a similar cut to that under discussion.

The Honourable the PRESIDENT : And the honourable member is now opposing the cut ?

MR. SYED MUNAWAR : I wanted simply to raise this discussion, Sir.

The Honourable the PRESIDENT : But there is also now before the House a motion moved by the honourable member Mr. Swaminarayan. Is the honourable member supporting that or opposing it ?

MR. SYED MUNAWAR : I am not supporting it, Sir.

MR. B. T. DESAI (Bombay City, South) : Sir, I support the cut that is proposed. It appears to me, Sir, that whatever work was done is now going to be undone. That is the long and short of it. When there was a cry for retrenchment in 1924, that retrenchment should be made, some



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retrenchment was effected in 1924 in this department. So, now the retrenchment comes with vengeance. Yes, they say, we abolished one post in 1924 but we have now found that we want a few more people : and in that way the first retrenchment was effected in 1924, more substantial retrenchment is now allowed by officers. It is on this ground, Sir, that I wish to oppose this demand. The second point that has to be taken into consideration is that these posts which are to be created are necessary, they say, because the Deputy Secretary, who is *ex-officio* Secretary of the Legislative Council, is unable to help in drafting work, and that the work in the Legal Remembrancer's office is so much that it leads to congestion in the work and the office is not able to cope with the work that is there, and in order to remedy that, these posts are now suggested.

The question should be whether the President should not have his own Secretary. This might raise the further question whether the President having his own Secretary would mean more expenditure, as the services of the Deputy Secretary are now lent for four months. The question of a separate Secretariat for the Council is I believe under consideration. That being so, I say there is no reason why these posts ought to be created.

This thing ought to have been brought up in 1924. Since that year this matter has been held back and the Council ought to have been convinced of the necessity of creating these extra posts. No such additional reason is given except the so-called increase of work and the fear of the loss of efficiency of the Deputy Secretary. These are two very vague words which it is very difficult to gauge and to understand. Everybody comes forward and says that the work has increased. It may also happen that the Executive Councillors may come forward and say "Our pay is not sufficient and our work has increased. We have been pestered with questions from the members. We have to listen to the different members' speeches although we may be dying and yet there is so much work for us that we cannot do with our present salary and therefore our salary should be increased." It is just like this. It is all very well to say that the work has increased much and that efficiency will suffer. I do not see why and how efficiency is going to suffer. In what way is efficiency going to be in any way assisted by the creation of these extra posts? On a consideration of these grounds and the circumstances and the simple idea of not undoing the work of the retrenchment officer, I think this cut should be supported.

Rao Sahab D. P. DESAI (Kaira District): Sir, I support the cut. In 1927-28 the expenditure on the Legal Department was about Rs. 1,53,000. Now it has gone up to Rs. 1,70,000 already. This proposal will again increase the amount to an appreciable extent also. I cannot understand how much the country has progressed since 1927-28 in order to lead to such increased expenditure in the Legal Department. Under the Reforms from 1924-25 the work also appears to be quite normal. In 1924-25 the Legal Department could handle the "heavy work" which is supposed to have fallen to their lot now. The

[Rao Saheb D. P. Desai]

Reforms were there, the Reformed Council was there and rather a more troublesome Council it was, and I may say far more work was put forth by the first two Councils than the present Council. So, to my mind it appears that the Legal Department now must have got even less work than in 1924-25. However, that is a thing apart, but, as an important correspondence will be going on shortly between you, Sir, and the Government, in view of that and until the result of that correspondence is finally declared and decided upon, I think this item may very well be postponed, and Government themselves of their own accord should not be particular for this item especially as in that case the Deputy Secretary who is also *ex-officio* Secretary of the Legislative Council, will be able to help the Legal Department. So, why go in for more Secretaries and Assistant Secretaries? As a matter of fact, I see more Secretaries and Assistant Secretaries and higher officers than even clerks in the Secretariat. There are more Superintendents and other superior officers than the clerks who are few in number. The other day I showed to the Honourable the Finance Member and the Honourable the Home Member how the upper jobs in the Secretariat were being multiplied and increased and how in order to supervise the work of 20 or 30 clerks there were so many superintendents and assistant secretaries. I think one Deputy Secretary or one Assistant Secretary ought to be able to supervise any number of them. With these remarks, I support the cut.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am unable to understand some of the matters connected with reorganisation as proposed by Government. We have got on page 91 of the White Book the following:—

	Budget Estimate for 1929-30
	Rs
Personal Assistant to the Remembrancer of Legal Affairs (Rs. 400 for 3 months and Rs. 450 for 9 months <i>plus</i> Special pay Rs. 1,200 .. .. .)	6,450

In the columns of budget estimate for 1928-29 and Accounts for 1927-28 this item does not appear at all and there are mere dots against those years. I presume this appointment of Personal Assistant to the Remembrancer of Legal Affairs is a new appointment . . . . .

Mr. BALAK RAM : No.

Mr. B. G. PAHALAJANI : The entry in the White Book contains three dots in the two columns for 1928-29 and 1927-28. Unless there has been a mistake in framing the present White Book, I believe I am quite correct in my statement. It is very clear from the budget as presented that no expenditure for a Personal Assistant was incurred. We have further got two Assistant Secretaries (one on Rs. 950 and one on Rs. 650 for 11 months). I presume one of them is the one to be added according to the reorganisation scheme. One already exists but the scheme provides for :—

- 1 Assistant Secretary,
- 1 First Assistant,
- 1 Junior Assistant,
- 1 Clerk,
- House Rent to the Assistant Secretary,

[Mr. B. G. PAHALAJANI :

which I presume to be in the pay of the establishment. It is not clear whether the pay of the Assistant Secretary or the Superintendent or the first and second assistants is shown in the pay of the whole establishment, and therefore there is a little difference between the pay of the whole establishment and the pay of these appointments under the reorganisation scheme. We had formerly one Secretary and Legal Remembrancer. The Deputy Secretary was created at the time of the reformed Council and subsequently from 1921 to 1928 no other Assistant except one Assistant Secretary was needed to carry on the work. Before 1921 even the Deputy Secretary was absent... .

The Honourable Mr. J. E. B. HOTSON : That is not correct. There was an Assistant Legal Remembrancer, a member of the Civil Service, from the beginning.

Mr. B. G. PAHALAJANI : I am open to correction. The Assistant Legal Remembrancer was, however, of the rank of an Assistant Collector not of that of a Collector. In fact, if my memory serves me right, he used to be a junior Assistant Collector, not even a senior Assistant Collector. In any case, the note that has been placed before the Council, does not show the necessity of incurring an expenditure of Rs. 12,600 to Rs. 13,000 a year on reorganisation of this department. A Personal Assistant has been given to the Remembrancer of Legal Affairs, and if the work of drafting is to be performed, it can be easily performed under the guidance of the Remembrancer of Legal Affairs himself by the Personal Assistant who, I think, is a trained man, getting a salary of Rs. 400 per month. Under these circumstances, I think no case has been made out by the note to add four more appointments to the staff, costing the revenues about Rs. 13,000.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support this cut. The reasons given for creating these new posts are that it is necessary to have a trained draftsman in the office. It is also stated that the post of Assistant Legal Remembrancer has been abolished, and it is now necessary to strengthen the drafting and legislative section of the Department to enable it to cope with the great increase of legislative work. It is also stated that the Deputy Secretary, Legal Department, who is also *ex-officio* Secretary of the Legislative Council, is no longer able to help the Remembrancer of Legal Affairs in drafting. These are the reasons which have been given for creating the new post. But if we look to the staff, we find that the Legal Remembrancer is helped by his Personal Assistant, and on the top of it he has got another Assistant Secretary on a pay of Rs. 950. I want to know from the Legal Remembrancer as to why he is not able to entrust the work of drafting to his Assistant Secretary, who is drawing a pay of Rs. 950. He has already got one Assistant Secretary, who is a responsible officer drawing a salary of Rs. 950 a month, and in addition to that Assistant Secretary it is now proposed to create the post of a second Assistant Secretary on a handsome pay of Rs. 650 to Rs. 850 *plus* a house-rent allowance to the tune of Rs. 125 a month. That makes nearly Rs. 800 for the second Assistant

[Mr. F. J. Ginwalla]

Secretary. It is not stated why he is not assisted by the first Assistant Secretary in the matter of drafting. But even assuming that there is that pressure of work, I fail to understand why they want an officer on such a high salary. If the object is to help the Legal Department in drafting bills, I say that could be done by any lawyer, or a solicitor. In these days you can get a solicitor for Rs. 100, a doctor for Rs. 50 and a B.A. for Rs. 30. You can get any amount of trained men for Rs. 200 and Rs. 300, and I fail to understand why Government offer such handsome salaries as Rs. 800 for drafting little bills, which is a mere matter of technicality. There is no extraordinary qualification required for drafting bills. Apparently, Government do not want to follow the policy of retrenchment which this House insisted upon time and again. In the Abkari Department they trotted out the bogey of illicit distillation ; they do not want to carry out the policy of prohibition, and that is why they trotted out the bogey of illicit distillation. Here is another bogey, pressure and increase of work. On these grounds the Legislative Council is asked to sanction this additional expenditure. This is not the time for asking sanction for new appointments or additional expenditure. They have got to go on with whatever staff they have got, and they ought to suggest more retrenchment in the establishment. Under General Administration the expenditure has come to Rs. 2,20,00,000 and the charges on General Administration are increasing day in and day out. I think we must now put a stop to the high charges which are incurred for General Administration. On all these grounds, I suggest that instead of asking for an increase in the expenditure the time has arrived when Government ought to accept the suggestion for the appointment of a retrenchment committee or an officer to go into the whole question of General Administration rather than that they should come forward with fresh proposals for additional expenditure. On all these grounds, I hope the House will set aside all proposals for fresh expenditure.

Mr. BALAK RAM : Sir, before I proceed to justify the demand made under this head, I should like to explain away a certain amount of misunderstanding regarding the figures given on page 91 of the White Book. My honourable friend Mr. Swaminarayan said that we had already got two Assistant Secretaries, and he implied that we were now asking for a third one. If the House will refer to page 91 of the White Book, they will see that the two Assistant Secretaries mentioned there are the two Assistant Secretaries who will be in existence from the 1st of April next. At present there is only one Assistant Secretary, and the second Assistant Secretary's post is the one that is being discussed.

The appointment of the Personal Assistant has also been misunderstood. My honourable friend from Sukkur (Mr. Pahalajani) stated that his appointment of Personal Assistant was a new one, and as a proof he pointed to the figure of Rs. 6,450 in the column for 1929-30, there being no corresponding amount in the column for 1927-28 and 1928-29. I wish to explain that this appointment is not at all a new one ; it is an old one, as I said to the honourable member when he was speaking.

Mr. B. G. PAHALAJANI: Why is it not shown in the previous years.

Mr. BALAK RAM: I am going to explain that this is not a new appointment, and show why it has dots in some columns and figures in another. We recruit for the Legal Department two gentlemen from the subordinate judges' rank and keep them in our office. The junior of them is given comparatively less responsible work and the other generally after training in the Legal Department in the junior appointment, is promoted to the existing post of the Assistant Secretary. The junior man, when a sub-judge, was a gazetted officer; but the moment he came to us he became a non-gazetted officer, and was called Senior Superintendent, in charge A Branch. This was a most unfair arrangement. The sub-judges resented it, and we found great difficulty in recruiting a man whenever there was a vacancy. We picked out gentlemen who were excellent sub-judges, but we ultimately realized the necessity of widening our field of selection by improving not so much the prospects and the pay of the post as its status. Consequently, from a non-gazetted post it was converted into a gazetted post, and the designation was changed from Senior Superintendent to Personal Assistant to the Legal Remembrancer. That is the explanation why this figure appears in the column for 1929-30 and why there are dots shown in the accounts for the year 1927-28. If you, Sir, will look down on the same page, you will find that in the budget estimate for 1928-29 the provision for Superintendents is Rs. 38,000 as against Rs. 33,000 odd for 1929-30.

Mr. B. G. PAHALAJANI: In the accounts for 1927-28 it is Rs. 32,000 odd.

Mr. BALAK RAM: When the accounts for the year 1929-30 are ready, we shall be able to compare the two columns. At present, we have only the budget figure for 1929-30, and the only fair way available of comparing the expenditure in two years is to compare them with the budget figures and not budget figures for one year with actuals of another. When people go on leave, and junior men act in their places, a saving is effected and the actuals tend to fall below the budget figures. A fair comparison, as I have already said, is between budget figures and budget figures, and not between figures which do not belong to the same category. In 1928-29 it was Rs. 38,000 odd, in 1929-30 it is Rs. 33,000 odd, the reduction being mainly due to the transfer of one Superintendent to the grade of Personal Assistant to the Legal Remembrancer. The proposed new appointments of the first assistant and other subordinates are also included in the budget. The honourable member Mr. Bechar charged us with being overstaffed and said that there are secretaries, deputy secretaries, assistant secretaries and under-secretaries.....

Mr. N. A. BECHAR: I said so with reference generally to the secretariat administration and not with any special reference to the Legal Department.

Mr. BALAK RAM : This is as if the honourable member charged a particular person with possessing motor cars, tongas, elephants and railway carriages, and when the person denied the charge, the reply was he was speaking of the world in general. So far as the Legal Department is concerned there is one Secretary, half a Deputy Secretary, one assistant secretary and a personal assistant and nobody else. We have been trying to cut down our expenditure as much as possible. I can assure the House that so far as the Legal Department is concerned the expenditure has been reduced considerably. The House remembers that there was a practice of employing special counsel for various cases in the mufussil. That practice has been given up and Government are now entrusting practically every case to their own pleaders. This has been found very satisfactory ; and we have been also able to save large sums by this system. I am sorry I have not got the exact figures here to give to the Council. So far as we are concerned, we have been pursuing a Marwari policy, as some people have put it.....

Khan Sahab A. M. MANSURI : Government is not a Marwari.

Mr. BALAK RAM : The Legal Department of Government has been called a Marwari, though not the Government.

Coming to the new establishment we have asked for, I will now give the House some figures to show how the work of the Legal Department has increased. An honourable member stated that it has remained stationary. This is not so. I have got the exact figures here, but I will quote them to the nearest hundred. The inward letters received in the office every year have gone up in ten years from 4,600 to 11,200, which is an increase of 165 per cent. The letters we sent out have gone up from 4,900 to 8,000. The bills which are checked have gone up from 11 to 39. As regards opinions we are asked to give, the number has risen from 400 to 1,800. A good many of the opinions are opinions relating to Acts and enactments dealing with local bodies, municipalities, etc. We have to examine Legislative Council questions. In the pre-reform days the average was about 2 per year and now it is 56 per year.

Let us see what extra staff we have been given. None whatever, as far as the principal officers are concerned. Before the Reforms, there was a Legal Remembrancer who was also Secretary of the Council and an Assistant Legal Remembrancer who was a sort of a general help. In 1920-21 after the Reforms, an additional post of Deputy Secretary was created. This arrangement lasted till 1924 when the junior appointment of the Assistant Legal Remembrancer was abolished, and the Deputy Secretary became also the Secretary to the Legislative Council. Coming to the establishment, a temporary post of superintendent was created, and it has been continued from year to year, in order to deal with Land Acquisition references resulting from the activities of the Development Department and other bodies in various places. The work is not finished yet, and the appointment is being continued. Meanwhile the necessity for making the appointment permanent for other duties has now become very great ; but this matter is not included in the new proposals.

[Mr. Balak Ram]

The House perhaps does not know that in a small way the Legal Department is earning a little money for Government. Formerly, we had to work without extra payment for the Government of India; but since 1926 we receive Rs. 15,000 from them as their share of the remuneration of Legal Department. We may well say that if the Government of India has begun to pay our Government a large amount for the work we do for them we should ask for extra staff. But we are not doing so. We put it on the broader ground that more staff is necessary on account of increased work of a special type. We want an Assistant Secretary for drafting, a special type of work which is worrying us as we cannot cope with it properly. It was suggested that our present Assistant Secretary should do the drafting work. I am afraid this is not possible. He is a trained sub-judge intended for dealing with litigation, and our litigation is so large that every Assistant Secretary comes to office an hour before office hours and leaves office an hour after office hours. He has to attend to so many suits that he has absolutely no leisure for anything else.

The Honourable the PRESIDENT: Will the honourable member take some more time?

Mr. BALAK RAM: Yes, Sir.

*(After recess.)*

Mr. BALAK RAM: Sir, as has been explained in the Budget note, the demand is for an Assistant Secretary to do drafting work. Well, Sir, drafting sounds easy, but actually it is a difficult piece of work in connection with legislation, as we have found by experience; and, I have no doubt, that the honourable members who have tried to draft bills have discovered this fact for themselves. I am obliged to my honourable friend Mr. Syed Munawar for the account he gave of his own personal experience in drafting a Bill of his and of the manner in which the Legal Department can be of assistance to private members like him in drafting. I may also refer to a bill drafted by my honourable friend from Karachi, Mr. Bechar,—or rather he got the bill drafted by the Legal Department. As he is not here now, I will not say anything more about the bill. The fact can be verified that drafting a piece of legislation is not an ordinary piece of work; it is highly specialised work and is becoming more and more technical every day. The draftsman of the Government of India is a senior officer of the Civil Service, in receipt of almost the same pay as a Secretary to the Government of India. I believe in other countries the draftsman is a very highly paid person, for the simple reason that drafting is an important part in legislation. A badly drafted Act leads to litigation, leads to waste of public and private money, and leads to a great deal of trouble in every way. It is therefore essential that the language of a bill should be such as not to lead to a misunderstanding. To draft a bill, therefore, we require a man with special knowledge—not necessarily a great lawyer—but a man with a knowledge of the contents of various enactments, of the connections

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between the various sections of one enactment, and of the connection of one enactment with another. He has to be conversant with definitions of various terms as given in various Acts ; he has, when framing a new definition, to see that it does not conflict with the definitions already in existence. We were told to-day that we could get this work done by a man on Rs. 100. There was the additional suggestion that we could even have it done by clerks on Rs. 50. Before coming to the Council with the demand, we have tried by anticipation these suggestions made by my honourable friend Mr. Ginwalla ; we did try to get the thing done by clerks recruited from solicitors' offices ; but the result was not satisfactory ; the experiment had to be given up.

In olden times bills were generally drafted by the Remembrancer of Legal Affairs as he had plenty of time. Now-a-days he has not the necessary leisure. Besides, as I have said above, the work is becoming more and more technical. Even if the Council Office is separated from the Legal Department, and the Deputy Secretary becomes a whole time Legal Department officer, our difficulty will not be removed. Let the Deputy Secretary come back to the Legal Department and let another Deputy Secretary be also appointed, yet we will still require an Assistant Secretary for drafting. The Deputy Secretary's and the Secretaries' earlier training is such that they cannot be put on drafting work unaided, the moment they join office. I tried drafting when I first joined, and I know what I am saying, we require a permanent draftsman who can be kept on drafting continuously for a long time.

A few words on the present state of affairs in the Legal Department will not be out of place. Our drafting work has been at an absolute standstill except in the case of very small bills of two or three sections or so. We have drafted a few heavier bills in the near past, but only by getting extra help. The Major Municipalities Bill which was passed by the House before I had the honour to become a member, was originally drafted by somebody who was brought from outside, but the result was bad, and we had to do the work all over again in the Legal Department. The Karachi Small Causes Court Bill which is before the House now, was also drafted by somebody from outside because the Legal Department had no time to look to it. The Local Self-Government Department has been trying for the last two years to introduce a bill dealing with minor municipalities but we have never had the time for it, and we told them repeatedly that if they wanted the bill drafted soon, they would have to put a man on special duty. The suggestion was adopted at first, but was dropped when the proposal for a new Assistant Secretary in the Legal Department was sanctioned by the Finance Department. It is not that we want a man for doing the work which we are doing at present. We want a man for doing something which we ought to do, but are not doing. There have been other instances of important proposals for legislation being kept in suspense for similar reasons. I have already explained to this honourable House why the present Assistant Secretary is not available for the purpose, because he is engaged solely on other duties,



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This explains the position with regard to the post of the Assistant Secretary. Some other posts are mentioned in the proposals. Some will be required in the drafting branch and others will be required to cope with the extra work which is thrown on the Legal Department by the increase of various kinds of references and the general increase of work in every branch. I may point out to this House that the cost of the new establishment is being met by very severe economies in the other branches of the Department and that the burden on the finances of the Presidency is practically nil.

One honourable member suggested that if there is so much work we should have come to this House some years ago. I plead guilty to the omission and I admit that we should have come here some five years ago. We tried to do so, but financial stringency invariably came in our way, and Government did not accept our proposals until the position became impossible.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am not convinced by the arguments of the honourable member the Legal Remembrancer. He said that in the Government of India a senior I. C. S. officer does the drafting work. Here the Secretary of the Legal Department and also the Deputy Secretary of that Department are both I. C. S. men, and I see no reason why they cannot do the drafting work also. No reply was forthcoming as regards the separation of the Legislative Council Secretariat from the General Secretariat of the Government. I think a number of members have addressed the Honourable the President in this matter and I think the Honourable the President is moving in the matter. So long as that point is not decided, it is no use passing this grant. When that question is decided and when the two Secretariats are separated, then there will be time for the reorganisation of the Legal Department. Therefore I think the House will be well advised before any satisfactory explanation is coming forward for the separation of the two Secretariats from the Government in throwing out this grant.

The Honourable the PRESIDENT: I do not quite understand the last sentence of what the honourable member said. Explanations from the Honourable the Home Member or any honourable member from the Government side regarding the separation of the Legislative Council office including the Secretary cannot be given until the matter has been formally placed before Government, and what I suppose the honourable member wishes to enquire about is whether an assurance can be given by the Honourable the Home Member that when that question came up before Government, this increase in the staff of the Legal Department would not come in the way of the separation of that Department from the Council Office. That would be a legitimate question to ask.

The Honourable Mr. J. E. B. HOTSON: I am not prepared to answer that question at this stage. Any question regarding the separation of the two offices would be decided by Government entirely on its merits. I can assure the House, however, that if this increase is sanctioned, it will in no way interfere with the proper decision of the other question.

Mr. J. C. SWAMINARAYAN : In view of the explanation, I beg leave to withdraw the motion.

Question put and leave granted.

Rao Bahadur R. R. KALE (Satara District) : Sir, I beg to move :

“That item No 31 on page 268 of the Blue Book pertaining to the post of Assistant Examiner of Local Fund Accounts be reduced by Rs. 1000.”

My reasons for moving this cut are these. We do want an efficient audit in all departments. The point I wish to stress is that we have got these auditors for different departments. For instance, you will find at page 273 of this Blue Book another item of separate audit regarding the Jail Department,—“Appointment of Travelling Auditor of the Jail Department”—on Rs. 200 per mensem. Then if you refer to page 245 of the White Book under the head “Co-operative Credit” there is the item of 3 special auditors, 2 on Rs. 300 rising to Rs. 500 to Rs. 750, and 1 on Rs. 250 to Rs. 750. So the audit of the different departments is conducted by different auditors and that entails a great deal of cost on their travelling allowances. My point is that if an auditor visits a place, a district town, where he has to do the auditing of the co-operative societies, the auditing of the municipalities, or the audit of the local boards or local fund accounts, and there are also other funds, for instance, under the District Police Act there is the Fair Fund and so on,—there are various funds which are audited by Government auditors—my submission is that we should have a sufficient staff for auditing the various departments, but when a particular auditor visits a place, he should do all the auditing of the various departments and it should not be necessary for different auditors to visit the place on different occasions, so as to increase the travelling allowances. If by any means the audit system is so organised that the auditing of the several things can be done at one and the same time at a particular place, we should be effecting a great saving on the head of the travelling allowances of these auditors. I simply want to know from the Government whether there is any objection to doing this. At present one auditor goes to audit jail accounts, for instance, at one time. At other times another man visits the same place for the purpose of auditing a different department. So my object is merely to raise this question, whether it has attracted the attention of the Honourable the Finance Member. The auditor may be under the Finance Department. Of course, he is an independent officer, I know. But he may be in such a position that he may be placed under the control or rather should be subject to the Finance Department, so far as his movements are concerned, so that some saving may be effected under the head of these travelling allowances.

Question proposed.

Mr. G. WILES : Sir, I regret to say I did not quite follow the argument of the honourable member. I am told that he wished to imply that we should save something if we took over the whole of the auditing of what I may call outside bodies, such as the co-operative department, the agricultural department, and so on.....

Rao Bahadur R. R. KALE : Yes. The Government auditor is paid by these bodies separately ; but it should be done by the same agency. That was my point.

Mr. G. WILES : I am going to the question of taking over this audit of local fund accounts. It has been considered in the Finance Department for the last two or three years. We are not quite ready to take over this establishment. We come to the conclusion that for the present, until we get a separation of audit from accounts in the whole presidency, it is better to leave this audit of local fund accounts under the direct control of the Accountant General. But we are arranging that the Examiner of Local Fund Accounts shall work more directly in future under the Finance Department. Whether we can entrust to him the other work which the honourable member from Satara has suggested, I am not in a position at present to say. But I can assure the honourable member that the Finance Department will consider it. If it is possible, we are anxious to save money on this audit department, but I am not in a position at present to give a definite answer to that proposal of the honourable member.

So far as the merits of the present proposal are concerned, I understand the honourable member.....

Rao Bahadur R. R. KALE : My only object was that some saving should be made on these travelling allowances, some rough amount.

Mr. G. WILES : Well, I can assure the honourable member that the Finance Department will watch these travelling allowances very closely. We are absolutely satisfied that it is necessary for the Examiner of Local Fund Accounts to have some assistance. He has got far more work at present than he can possibly attend to, and the work has not been done in consequence.

The Honourable Mr. G. B. PRADHAN : I have nothing to add, Sir.

Rao Bahadur R. R. KALE : I do not wish to press for my motion and would ask for leave to withdraw it.

Question put and leave granted.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move

That the provision of Rs. 55,945 for the establishment of the Oriental Translator consisting of 24 translators and assistant to the Oriental Translator be reduced by Rs. 8,000.

Sir, in moving this cut of Rs. 8,000 I want to point out that Government are going out of their way in permitting one of the officers in their department to publish or to write in the "Times of India" under the captions "Through Indian Eyes", "Current Topics", and also he is allowed to contribute articles under the signature of "Hystericus." Sir, the question was tabled in this Council, and the reply to that question has been printed in the fifth list on page 22.....

The Honourable Mr. J. E. B. HOTSON : I think that question was not answered at all. It was not put.

The Honourable the PRESIDENT : I understand that that question was not put in Council and, therefore, not answered. That question should not be referred to by the honourable member.

Mr. J. C. SWAMINARAYAN : Then, I shall refer to another question which was asked and answered in that connection,—the question published on page 27 of the ninth\* list, put by the honourable member Mr. C. R. Shroff.

There on page 27 of the 9th list of questions of this session, Government have admitted that the Government officer referred to in the article which was printed in the "Indian National Herald" dated the 15th November 1928 is a Government officer and Government have come to his aid by saying that he is not breaking any one of the Government Servants Conduct Rules. Now, Government Servants Conduct Rules state that no Government servant shall utilise any document that comes in his possession while performing his duty as a Government servant and he is debarred from using such a document publicly.....

The Honourable Mr. J. E. B. HOTSON : Which rule is that ?

Mr. J. C. SWAMINARAYAN : I do not remember the number of the rule. If the Honourable the Home Member will refer to the Government Servants Conduct Rules, I think he will be satisfied that Government servants are debarred from utilising any document which comes into their possession or of which they get the knowledge through their official capacity. The office of the Oriental Translator receives all the newspapers of the presidency. The Assistant Oriental Translator of course has passages from all these newspapers translated by the help of the staff of the Oriental Translator's office and he selects special passages out of those translations and contributes articles to the "Times of India." I am very sorry to state that some of these articles which are published under the heading "Through Indian Eyes" are calculated to foment communal hatred. Such passages as are calculated to foment communal hatred are specially selected and published under the heading "Through Indian Eyes." I have been reading many such articles and I have no doubt that if such articles were to be published in other newspapers, many of them would be brought by Government under the operation of section 153-A of the Indian Penal Code, by which no newspaper is allowed to publish such articles as would create communal hatred and hatred between the different communities residing in this country.

An Honourable MEMBER : Which newspaper ?

Mr. J. C. SWAMINARAYAN : Which newspaper ? I am referring to the "Times of India." The articles published under the heading "Through Indian Eyes" in the "Times of India" have been contributed, as has been admitted by Government themselves, by a Government servant. I am very sorry that Government should be at the bottom of the publication of such articles which would cause hatred between the various communities. I think Government should be above distinctions between communities. It should be their duty not to encourage the publication of articles which would bring about bitter feelings between communities. At least the officer concerned must have the decency not to contribute these articles in the "Times of India" because the

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\* *Vide* Debates of 1st March 1929, page 798 of this Volume.

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"Times of India" is also one of the newspapers that come to the office of the Oriental Translator as Oriental Translator and the Assistant Oriental Translator and the clerks and the whole staff combined is required to put before Government their report as regards the articles which may have been published in the "Times of India." He himself has to make a report to Government as to the propriety of all the articles that are published in the "Times of India" and he himself is allowed to contribute to that very paper with the result that he has to make a report upon his own articles. This matter has been very much criticised in the newspapers. Articles have been published in the "Indian National Herald," a question has been put in this Council but the reply is that Government do not consider any of the rules regarding conduct of Government servants is broken. The defence of Government is such as would not hold water even for a single moment. What have Government to say in reply to that question? They say that it does not appear that there has been any breach of Government Servants Conduct Rules. I think these rules are very explicit on this point. Perhaps Government will come forward with the excuse that the officer in question had got the permission of Government for making these contributions. In that case, I think the idea that is lingering in the minds of various persons who are inhabiting this country that it is Government that is at the bottom of bringing about this communal discord and communal hatred will be strengthened and people will draw their own conclusions about this matter if Government shield this officer in this way. I do not believe that Government, whose principal duty it is to preserve law and order, would allow even for a single moment anything that would bring blemish on their fair name as regards their impartiality. I talk of a regular national Government and not of a foreign Government which rules from a distance of 8,000 miles, but there is a great difference between a national Government and a foreign Government. Therefore, in order to save their own prestige, I think it is the duty of Government to prevent the activities of this officer. From the way Government have behaved as far as this question is concerned, we are at a loss to understand why Government are going to shield an officer who is utilising his official capacity and who is utilising documents that come into his hands in his official capacity, for making contributions in such a way as to foment communal hatred between the two great communities inhabiting this country, the Hindus and the Mahomedans. Many of these articles which have appeared in the "Times of India" under the heading "Through Indian Eyes" are liable to be prosecuted under section 153-A if Government so wish. So many other newspapers have been prosecuted by Government as for example, the "Hindu" of Surat under that section. I think Government should not allow such bitter feelings to be fomented by means of their own officer and through the "Times of India", a paper which may be receiving Government protection. This paper has been allowed to do things which other papers would not dare to do. If such articles were published in any other papers, they would have been got hold of, but the "Times of India"

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is allowed to do things with impunity which others would not be allowed to do. I think some of the activities of this paper are worth noting, but I do not want to refer to certain things which happened during the riots. I am quite sure that some of the articles that appeared in the "Times of India" were also responsible and were also one of the factors for lengthening the riots. Therefore, I think the activities of the "Times of India" should be curbed and at the same time the activities of this officer should be brought to a stand-still in so far as they relate to the publication of such articles which tend to inflame the different communities against one another, and I hope and trust that this officer, on whose salary I have proposed a cut, is compelled to quit Government service.

Mr. N. A. BECHAR (Karachi City): Mr. President, I rise to offer a few observations on this motion for a cut of Rs. 8,000. Sir, I did not know that the contributor to the "Times of India" in the name of "Through Indian Eyes" was himself a Government servant. I must candidly confess to you my ignorance about this matter so far. One may agree or may not agree with the views put forward by the "Times of India" from day to day, but the material presented to the people in the "Times of India" in "Through Indian Eyes" is certainly such as would appear to the average reader as absolutely out of tune with the other articles that appear in that paper. And, Sir, I was all the time puzzled as to what was the cause of the disparity between the two pictures presented by the "Times of India," and I was feeling greatly grieved and astonished that the "Times of India" which called itself to be a paper of good standing and responsibility and which professes to have sympathy with Indian aspirations should publish in its columns articles which are simply damnable and which no decent paper would have the courage to publish. Sir, if any other paper presented to its reading public the kind of stuff which appears in "Through Indian Eyes", it would be classed as one among the gutter papers. Therefore, we were feeling very strongly that the "Times of India" is doing the greatest injustice to the Indians. Sir, I have been reading the vernacular papers, and many of the beautiful articles which are appearing in them and which could be quoted with approval and commendation, articles about communal harmony, about national aspirations and about various other matters are simply taboo to the "Times of India." "Through Indian Eyes" does not find one single line of that kind, but he confines himself to the most rotten stuff, the most useless stuff that can be found in some rags of vernacular papers. All that stuff is gathered together and presented in "Through Indian Eyes", and it is made to appear to the people who have not the opportunity of reading the vernacular papers that that is the real feeling in the country or in the presidency so far as communal questions are concerned. Sir, this is likely to lead the average reader, who has no means of first-hand knowledge of the real state of affairs or of the kind of sentiments which the vernacular papers express, to believe that that is an index of the feeling in the country or in the

[Mr. N. A. Bochar]

presidency. I think that is doing the greatest damage and the greatest harm to the Indian cause.

I heard my honourable friend from Bombay and the honourable mover of the motion say that the writer of these articles is a Government servant. I ask the Honourable the Home Member what interpretation an average man is likely to put upon the activities of a Government officer writing such articles. Would or would not such articles be construed to be a part of the policy of Government to foment communal quarrels and disorders and disharmony in the presidency? I do not think that it serves any useful purpose for an officer to write such articles. If he has got talent, if he has got intelligence, if he has got ability, I think he can well utilise that in many other noble ways which may be worthy of a better cause. But here is a man who eats the salt of this land, who is an Indian, who is a Government servant drawing his salary from the public treasury, engaging himself in this kind of nefarious activities, and that is being condoned by the Government, as stated in reply to a question by a certain honourable member. We hear from all quarters, from the Secretary of State right down to the smallest officer, that however foreign in character the Government may be, it is national in aspirations. We are hearing these sentiments almost every day in one form or another, but if you contrast these utterances with deeds of Government, what a woeful tale they tell? One can understand about differences of opinion regarding any administrative measure, one can understand the inability of Government to accept measures that may be advocated from this side of the House. But when we find that a Government officer actually engages himself in this kind of nefarious activity of fomenting communal quarrels and communal troubles, and that is condoned by Government, it is going to the last degree. Of course, those who have acquainted themselves with history know how Government have utilised every means at their command to preserve power in their own hands, but the way in which this Government is making use of this means does not behove a civilised government. It presents Government in the blackest picture, and I would request the Honourable the Home Member not to quibble about this matter, not to take his stand upon any technical grounds, or say that this officer cannot be controlled because the rules for the conduct of Government servants do not give the authority to Government to prevent one of their officers indulging in this kind of propaganda. I ask in all seriousness whether the Honourable the Home Member and the Government as a whole do or do not approve of the kind of articles that appear in the "Times of India" in "Through Indian Eyes." If they do not approve of them, then the least gentle hint that the Honourable the Home Member may convey to the writer would stop him from doing it the next day. If the Honourable the Home Member does not do it, and if he takes his stand upon some technicality, then let it go on record that we shall cease to blame that individual officer, that we shall cease to blame even the "Times of India," which many of my friends regard as merely a part or an arm of the Government administration, but we shall blame the Government for fomenting all the communal quarrels that are going

[Mr. N. A. Beshar]

on in the country. Sir, our feelings are likely to run very high on this matter, and I do not wish that a cause so true should suffer on account of any lapse of language. I therefore request the Honourable the Home Member to take the first opportunity to make some kind of statement on behalf of Government, so that those who follow me on these benches may have the opportunity of either understanding the position of Government or of replying in a manner that may bring about a solution of this question. Sir, I devoutly trust they will realise and appreciate the feelings and sentiments of this side of the House, and do something to assuage the same.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I had no mind to speak on this question, but after listening to the speeches of honourable members who preceded me, I think I should join them in the main issue that the *Times of India* is behaving like a much fondled child. A much-fondled child should not be allowed to go a step further than it should. Some trouble in a tea room and a small fight between a Muslim and a Hindu is put under a big caption "Hindu Moslem Riot". I fail to understand if it is not fomenting communal fire. It is but the primary duty of the Government to put a stop to this. Otherwise it would give the bad idea. I warn Government against this. Though I am not in a position to advise Government I can give this hint to them. Whenever such things appear in the *Times of India*, it is stated by people that the paper was voicing the views of Government. Government take to task if similar articles appear in Indian papers. When even small troubles are magnified by the *Times of India* under big headings as "Hindu-Moslem Riots," so many injured and so many in the hospital, people believe it to be the voice of the Government that the paper is voicing. I warn Government not to allow the *Times of India* to do that.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to make a few observations on the speeches of the honourable members who preceded me. I do not see eye to eye with them for the simple reason that the translation by a Government servant printed under the heading "Through Indian Eyes" would foment communal feelings. First of all it must be taken into consideration that whether these articles are first of all printed in vernacular papers or not and that those are translated by either the Government translator or some person kept by the *Times of India* for translating such articles and then published in that paper under the heading "Through Indian Eyes." We do not know nor has any honourable member produced any proof as to whether these articles are translated and submitted to that paper by the Government translator. Unless this is proved I do not see that Government should be unnecessarily criticized and that such a big thing be made out of a trifling one, by bringing such a cut to abolish the post of a translator. Also it has not been proved before this honourable House whether these articles had or will have the effect of fomenting communal hatred. Until it is proved, this House should not take into consideration this matter and unnecessarily create bitter feeling among the readers of this paper.



[Mr. R. S. Aswadh]

Let us bear in mind that unless they appear in vernacular papers they would not be translated and published under the heading "Through Indian Eyes." As a rule, articles first of all appear in our vernacular papers and then they are translated and published in the *Times of India* our vernacular papers must be held responsible.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I never expected any member on this side of the House would have expressed disagreement with the views expressed by some honourable members in introducing this debate. On this subject, if you will refer, I have given notice of a cut of one rupee on the Publicity Department, particularly to raise a debate on this question and again making it absolutely clear that this debate certainly means that, if ever there was a case on which Government deserved a vote of censure, this is the particular subject on which Government richly deserves it. This will be the third time when we shall pass such a vote of censure, although we see still on the Government benches members, whether belonging to the transferred departments or reserved departments, still occupying their seats, without following the constitutional procedure of walking out and making room for some better gentleman to occupy those places. This shows that they do not have the unanimous expression of opinion of this House however badly representative it may be.

Another point I wish to clear before I take part in this debate is this. In this debate I shall have to refer to a gentleman who belongs to my community and it is painful to say that he is a gentleman of culture and intellect whom I may almost claim as my friend. Therefore I should not be understood as introducing any communal feeling in introducing this debate. It is a painful duty, because the gentleman happens to be a member of my community and happens to be one whom I know very well. He is a cultured gentleman and a man of progressive views and therefore it is more deplorable that a gentleman of such attainments should so spoil, so prostitute his intellect and culture for such a dirty job not for two days or six days but for months past.

I am surprised that a member of this House should have stood up to defend a case which if he had consulted me before I would have advised him was indefensible. The only thing I wish is that he should be called upon by his constituency to explain this extraordinary attitude on his part. He himself has not read the articles on which he spoke. What is the use of speaking on the subject when he has not read the articles himself? It shows the honourable member who rose to defend such an action has not read it. That is his excuse. I will advise him to plead this excuse before his constituency, when he is called upon to explain his attitude. Otherwise it will be very difficult. If he had only read a few of these articles he would never have spoken in defence. (Interruptions.) I have not here a number of articles. I do not desire to read all of them even if it is possible to read any of them, because I would not directly or indirectly contribute to the mischief which these articles have been doing either in this House or outside this House. I would ask

[Mr. K. F. Nariman]

him to read some of these articles before he votes to-morrow. I am sure that even after reading a portion of it he will come to vote with the popular side. I will not go into the details. But if you read the articles you will not feel the slightest doubt that there is a systematic organised effort on the part of this gentleman whom we may consider as the 'The hand behind the scene' to provoke deliberately and intentionally communal feelings with an ulterior motive. I cannot draw any other inference, because it is not a matter of an accidental publication. It has been going on for the last so many months systematically on the same tension and on the same lines.

As I said the gentleman happens to be a very clever gentleman but only he has abused his intelligence and culture in a wrong direction. If you read the articles day by day you will find that it is always a bit from here and a bit from there, distorted from this paper and distorted from that paper. In each article and in every contribution you will find a little prick to the Hindu and a little prick to the Mahomedan. Only one instance I will give. In one article he describes a Mahomedan conference that took place where the Mahomedan leaders threw out a challenge to the Hindus that they would fight the Hindus and build a Muslim raj. In the same article a few lines below he describes a Hindu conference where the Hindus expressed similar idea that they can build up a Hindu raj if they expel all other communities from this country. In the same contribution if a distorted version of a Muslim conference and a Hindu conference side by side is given I ask honourable members on the other side, and honourable members who want to support that side, what would be the effect of such a contribution on an ordinary reader outside? Even intelligent readers, readers who can control their feelings, have had their feelings excited. It has created communal feelings which have been restrained with great difficulty. Sometimes outrageous insults are hurled against Muhammadan leaders, sometimes similar insults are hurled against Hindu leaders. Ironical comments are made in order to provoke Mahomedan feelings and ironical comments to provoke Hindu feelings. That action to be defended by the Honourable the Home Member on behalf of the Government of Bombay, as one of the honourable members has rightly remarked, is the very limit of irresponsibility to which a Government can go. I say, Sir, with all deliberation and responsibility that I can command, that it is a perfectly justifiable assumption which the public are entitled to raise and do raise, that Government are fomenting such communal troubles through a high official of this description and through subsidised newspapers of this description. That is a legitimate conclusion to be drawn from the attitude shown by Government of deliberate irresponsibility on a question of this nature. The only excuse they could have resorted to was to state "We regret to find that he happens to be a high official of Government"—not a mere clerk in a small office, not a man unknown in some district working in some village, some unknown place of residence, but a Government officer occupying an office in the very City of Bombay, working under the very nose of the Government benches—"We did not know that this was a Government official.

[Mr. K. F. Nariman]

"Now that it has been brought to our notice by a responsible member of this House, now that it has been conclusively proved that it is a Government officer who is engaged in this nefarious propaganda, it is the duty of Government to put a stop to such propaganda and Government will take every measure in its power to stop it." That should have been the attitude of an honest, frank, and responsible Government. But the Government who are responsible for the safety, security, peace, law and order in the country, not only defend the action of that officer but in a sense take upon themselves the clear responsibility for these writings, when they say: "We do not mean to interfere as the writings do not infringe any of the rules." Now, Sir, as we all know Government's rules are such that they can be twisted in any direction. Sometimes they are very strict and made applicable to an unfortunate clerk who happens to go out of his way to attend a public meeting, either of the Congress or other political organisations. Even if he happens to be found at the entrance, near the door, peeping into the hall where the meeting is held—he need not even attend it—even his explanation that he did so out of mere curiosity for knowing what it was is no defence: he is told: "You have taken part in a political meeting, a meeting in which something was said against the Government. You must give a satisfactory explanation or go out of the Government office and find employment elsewhere." I know that in this city, with regard to a very responsible institute, a library, Government servants were prohibited to be members, because Government suspected that sometimes political discussion was being carried on in the library. The servants of Government could not become members of that library and read any books from it, because Government suspected that in that library political discussion was going on. That ban was removed after a great agitation and after a petition from that one of the most respectful institutes in the city of Bombay. Therefore, I say Government apply or suspend the rules as it suits them. In this case, the most surprising part was when the Honourable the Home Member came forward and said that the action did not come within the purview of any of the rules governing the conduct of Government servants. That I say was the most surprising. As the Honourable the Home Member challenged the mover of this cut to point out the rule, I shall point out some of the rules which are certainly applicable to the case and call for an explanation as to why in this particular case an exception has been made, whereas in cases of lesser gravity very strong action has been taken and Government servants have even been dismissed from service. This is a rule from "The Government Servants' Conduct Rules:—"

"A Government servant may not, unless generally or specially empowered by the local Government in this behalf, communicate directly or indirectly to Government servants belonging to other departments, or to non-official persons or to the Press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise."

Now, I say, Sir, that if this rule has got any construction, if this rule has got any meaning, if this rule can be made applicable to any case,

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every word of this rule can be applied to the subject matter in question. This is a Government servant, the Assistant Oriental Translator, in whose possession and custody comes, in the course of his official duties, either from a Government department or otherwise, documents and papers, to with papers from all parts of the presidency—not only from all parts of the presidency but from all parts of India—vernacular papers. For what purpose are free copies supplied to Government? Is it for the purpose of conducting a propaganda of this kind, is it for the purpose of fomenting communal feelings that Government ask for free copies of vernacular papers? Is the purpose for which the Oriental Translator and his office is maintained, to do such pernicious propaganda? Is that the purpose for which these papers are put into the hands of the Assistant Oriental Translator in the course of his official duties? Then I ask the Honourable the Home Member whether under this rule this particular officer who has been transmitting distorted versions of papers that come into his charge in the course of his official duties, has taken the permission of Government to communicate to the Press part of the documents which come into his hands in the course of his official duties. If that is the case, then I say Government stand charged with being directly responsible for this propaganda, and we can understand why Government come forward to defend the hireling employed for it. If he has not obtained that permission, then he has committed a breach of the rules as understood by any gentleman who can read and write English.

And the next question I ask is, why in spite of protests from this House, in spite of the attention of Government having been drawn to this fact, no action has been taken against this particular individual, although in other instances very smart sentences have been passed on Government servants for breach of discipline in respect of this rule. There is yet another rule :

“ A Government servant may not without the previous sanction of the local Government, become the proprietor in whole or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

“ Such sanction will be given only in the case of a newspaper or publication mainly devoted to matters not of a political character, and may at any time, in the discretion of the local Government, be withdrawn.”

So, a Government servant cannot take part in any discussion or publication which is of a political character. Further—

“ A Government servant may contribute anonymously to the Press, but must confine himself within the limits of temperate and reasonable discussion ; and, if his connection with the Press is contrary to the public interest, the local Government may withdraw his liberty to contribute.”

Now, I ask the Honourable the Home Member whether he is going to stand up before this House and say that these contributions which have been made from day to day are in the interest of the public. That is the only excuse that Government can give. If the Government can seriously tell us that these contributions are for the public interest, so far as they tend to communal harmony and communal good feeling, or so far as they tend to increase the security of the present Government, then I can understand why the Government members do not propose

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to take any action or why the sanction of Government has been given to this particular action.

The rule says :

" A Government servant may not publish in his own name any statement of fact or opinion which may embarrass the relations between Government and the people of India or any sections of the people."

" A Government servant may not take part in any political movement in India or relating to Indian affairs."

These are a few of the rules and there are several others which refer to this subject. Still the Honourable the Home Member challenged the mover of the resolution whether there was any such rule that a Government Servant cannot take part in politics, cannot contribute articles to the press, make use of documents coming into his possession in his official capacity. The Honourable the Home Member challenged the statement and asked " Have you got a copy of such rules?" Perhaps he was thinking that the honourable member on this side of the House was a non-official member and he is not supposed to be possessed of any such rules. Now I can safely challenge the Honourable the Home Member's statement. How does he reconcile his statement with the answer which he gave to the House that as the person has not committed any breach of the rules Government does not propose to take any action. Again I say, Sir, that this leads to only one conclusion and I will speak in language less guarded than my honourable friend has done, that it leads to natural suspicion against the Government on the part of the people, that this contributor, a responsible officer of the Government carries out this nefarious propaganda with the full knowledge of the Government and that he receives all the encouragement that he can get from the Government for carrying out this propaganda. We are perfectly entitled to this conclusion after the attitude that the Government has taken up in spite of the fact that the attention of the Government has been pointedly drawn to this fact and in spite of the fact that the protest has been raised with regard to this action from all sides. Therefore I say, Sir, if there was an occasion, more important occasion than the previous two occasions, when the Government deserved a severe slash for their attitude, this is the occasion where the Government deserves and richly deserves a vote of censure, although I say it does not matter much with them and does not make any difference either in the attitude or in the conduct of the administration. It is only an expression of indignation, and I again appeal to this honourable members on this side, either Hindus, Muslims or Parsees,—it does not affect me at all because he belongs to the Parsee community, it is too insignificant a point, that it is a matter in which the man on one occasion strikes at the Muhammadan community and on another at the Hindu community, and the results are most mischievous, most disastrous. Even in the dire days of the riots in Bombay, even when the leaders were going their best to visit the various parts of the city at great personal risk and were trying to restore peace and unity between the two communities, in these dire days this subsidised paper used to carry on this dark propaganda, the worst type of propaganda by writing these

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articles in the darkest days of the riots. Therefore I appeal to the honourable members that this is the third and most important and fitting occasion when the Government deserves a slash, and I earnestly hope that it will get it when the time for voting comes to-morrow.

MR. NOOR MAHOMED (Hyderabad District): Sir, I recognise that every Government has got the right of carrying on propaganda through the press. Every government of every country carries on propaganda through the inspired press. It happens in England through the *London Times*. It happens in India through the *Pioneer* and it happens in the Punjab through the *Civil and Military Gazette*. I also recognise that it happens in the Bombay Presidency through the *Times of India*. It attacked the zamindars of Lower Sind recently in the matter of the question of the water troubles we are having on the Fuleli Canal and that was an inspired article from the Public Works Department. We have got a number of such inspired articles. I do not say that was not a legitimate propaganda of the Government. I do not blame them. They are right; they have got no other way of influencing public opinion, save and through the *Times of India*. I congratulate them on having such a handy paper in their hands. And, Sir, if in the bargain the zamindars of Lower Sind come to be harmed, the *Times of India* cares very little. But, Sir, there should be a limit to the propaganda. There should be sensible propaganda in the interests of Government. Sir, what has been described this evening before this House by the honourable member has simply taken the breath away from some of the members on this side of the House and I am one of those. Sir, I am a fairly regular reader of the *Times of India*, and in the beginning when I read these "Through Indian Eyes" articles, I read them with some relish, but, Sir, that was only for a week or two. Permit me to say that after that I had nothing but the utmost disgust for the articles that appeared and I say that today in 1929 there would be no Khilafat institution or agitation in India but for the *Times of India*. If anybody is responsible for keeping the Khilafat institution alive in India it is the *Times of India* (Hear, hear). And I say it in all seriousness, and I want Government to take notice of it, that if there is anybody responsible for keeping the Khilafat movement in India, it is the *Times of India*. It is the *Times of India* that attacks the Khilafat movement every day through Mr. Shaukat Ali. And, Sir, after all we are Mussalmans, and if we cannot honour our own leaders, if we do not care for them, if we cannot be true to our leaders we cannot be true to anyone else. Our loyalty must be judged by the extent of our sincerity to our own people. Those who are not true to their people cannot be true to a foreign Government. I say with all seriousness that this campaign of the *Times of India* through its column, "Through Indian Eyes," is responsible for a good deal of communal strifes. It is trying to show to the Hindu public that the Mussalmans are demons, that they are ready to cut their throats, that they want to get India invaded by conceivable and inconceivable enemies, and it tries to show to the Mussalmans that the Hindus are trying to establish a Hindu raj in India and to drive out the Mussalmans.

[Mr. Noor Mahomed]

What will be the effect of this propaganda? The effect will be as you can easily imagine, blood-bath, and it is in the interests of Government to see that such propaganda is not carried on through an agency which has been pointed out. I never knew that the writer of this page is an Indian and belongs to the Oriental Translator's department. I was under the impression that the *Times of India* was regularly engaging a huge translating department to translate all these vernacular papers of India. But now it is known that it is the Government department, the Oriental Translator's Office,—that gets all the vernacular papers of India, and they are translated by various Marathi and other clerks.....

The Honourable Mr. J. E. B. HOTSON: This statement has been repeated several times. The Oriental Translator's Office does not get any papers except those published in the Bombay Presidency. The papers which are quoted in the articles are for the most part published outside the Bombay Presidency. I would not have interrupted, Sir, if it were not for the fact that the statement has been repeated several times and is incorrect.

Mr. NOOR MAHOMED: I am very glad, Sir, that the Honourable the Home Member has given that explanation....

Mr. B. G. PAHALAJANI: He is in the pay of the "Times of India."

Mr. NOOR MAHOMED: Anyway, Sir, that is a very good statement that the Honourable the Home Member has made, and I think the matter should not be allowed to rest there. The Honourable Member is going to have an opportunity of eighteen hours' time. During those eighteen hours I think Government would do a very useful work if they instituted a proper enquiry and found out whether the gentleman is in the pay of....

An Honourable MEMBER: It is admitted in the reply to a question....

Mr. NOOR MAHOMED: When it is admitted and particularly in reply to a question, I say that Government will be committing a serious blunder if it associated itself through men, who are in their service, with these writings, because the effect of this will be terrible on the country. There will be huge misunderstanding, and I think such propaganda will bring many more organisations and associations into being that will be bitter; and, therefore, in all seriousness and in all sincerity I urge on the Government that they should remove this gentleman; and not only remove this gentleman, but dissociate themselves from the "Times of India" in matters like this.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I rise to support the motion. This is a motion, Sir, in which Government have been accused in very clear terms for permitting one of their servants to write to the "Times of India," the effect of which is very clear. There is no doubt that the Government itself is under a shadow so far as the appearance of the articles in the "Times of India" is concerned.

[Mr. B. G. Pahalajani]

Dispassionately considering the situation, we find in one of the departments of Government undertaken by Government for the edification of the public and for the enlightenment of the public one of the servants is engaged in writing to a paper, which is recognised by the whole of the public as a paper subscribed by the Government as a Government organ. We find that the "*Times of India*" allows or sends over to that man, a Government servant in the service of the Oriental Translator's department, vernacular papers to read. We find—this is a matter of inference—that when a Government servant receives from a paper like the "*Times of India*" vernacular papers to read and to contribute to that paper, he is in the pay of that paper. We have reason to presume that he receives money for these contributions. And, fourthly, we find that up to this time the Government is aware of these nefarious activities of one of its servants. These are the four allegations clearly made, against the Government, against the Home Department, and when the interpellations were put and when the interpellations were fenced,—that is the only word that I can use,—when the Home Member fenced round these questions and the supplementary questions, then it became clear that the Government knew, was cognisant, of the activities of this servant, and that it had been conniving at those activities. These are clear indications. These are matters of accusations, charges, against the Government, and unless and until these charges, these matters, are proved to be incorrect, there is a very serious position in which the Government of this presidency finds itself. What do you find? Sir, dispassionately considering, we find that we Hindus and Mahomedans here sit within the doors of this Council—in a specially cooled temperature—to wield the destinies of the Bombay city and Bombay presidency; we are here, Sir, enacting laws for the safety of the Hindus and Mahomedans outside, and we sit here, Sir, passing resolutions regarding the riots in Bombay city, and the *Times of India* goes on publishing such inflammable contributions, a paper which is acknowledged to be a Government organ. ....

The Honourable Mr. J. E. B. HOTSON: Not acknowledged.

Mr. B. G. PAHALAJANI: A paper which is considered by us—let the Government deny—which is considered by us to be an organ which represents the official view and to which the officials, as we suppose, go for the expression of their views. If, Sir, all these things are done, will the public outside be blamed if they say that the action of the Government in conniving at the conduct of this man in writing those articles is mainly or in some way connected with the riots that occurred? I say, Sir, I wish the Government to deny that the contributions of its servant are in any way responsible for those riots. But you cannot blame the people outside, you cannot blame the masses outside, the illiterate, the misguided masses outside, who read these things in the papers, read these inflammatory articles in the paper, who connect those inflammatory articles with something that has actually happened, with actualities and facts, which they are not, and thus when they inflame the people either in Bombay city or people who are readers outside in the mofussil.



[Mr. B. G. PAHALAJANI :

will you blame the person who repeats the articles for considering that Government has done nothing in this regard? There is an indisputable fact, that the Government has not taken any action to punish the "Times of India." We have done nothing but to repeat what the Government knows that one of its officers has done. We have got an indisputable fact that the Government has taken no action whatever up to this time to run down or to punish the editor who has published these articles. We have got, Sir, another individual who is not the Government is not prepared even at the present day to do anything to that officer. Now, Sir, if all these matters are placed before any impartial judge, will he not indict the Government? He will be receiving from the "Times of India" about Rs. 15 per column. He will be on the pay of the "Times of India."

An Honourable MEMBER : Sir, No.

MR. B. G. PAHALAJANI : No. I think it is Rs. 15 per column. They are receiving several contributions from him, and, Sir, if with all those contributions of his to the "Times of India," he is allowed to remain in service, is not the notion of my honourable friend Mr. Swaminarayan to cut a portion of his pay a legitimate one? Is it not assisting Government to carry out our intentions which it has failed to do up to this time? What would Government have done if these contributions, "Through Indian Eyes" and so forth, had appeared in some other paper, not in the "Times of India" but in some other smaller paper in the presidency within the jurisdiction of the Bombay Government? Were these papers from outside, as the Honourable the Home Member says, following to the presidency? They were obtained by the "Times of India" and sent by the "Times of India" to this gentleman to be translated and contributed to itself. And these papers are outside the pale of the jurisdiction of the Bombay Government and these papers are utilised for inflaming the people of this presidency! Now, Sir, was it not the plain duty of Government to put up the "Times of India," to put up its own servant, Mr. Sanjana, for an offence under section 153-A? Was it not the duty of Government to prosecute that man who wrote those articles or to call upon the "Times of India" to give the name of the person who wrote those articles? Government has done nothing.....

The Honourable Mr. J. E. B. HOTSON : The original articles?

MR. B. G. PAHALAJANI : I think the Honourable the Home Member knows that the person who repeats an offensive article is equally guilty with the original writer. I hope the Honourable the Home Member does not consider me to be ignorant of law. I know that it is as great a defamation to repeat an article which originally was defamatory. If Government is aware of that law—I hope it is as the Honourable the Home Member is assisted by a legal luminary like the Remembrancer of Legal Affairs for whom I have very great respect because he was our Judge once—has not Government failed in its duty in not sending up the writer of these offensive articles, which appeared in the "Times of India" and which inflamed from time to time the feelings between

[Mr. B. G. Pahalajani]

Hindus and Mahomedans, who otherwise here and outside live in harmony, for trial under section 153-A ? And yet that man is retained in the service of Government and to-morrow Government will seriously dispute the power of this Council to take away a portion of his salary. I would put it to the House that it is our duty, as my honourable friends from Hyderabad and Ahmedabad stated, whether we are Hindus, Parsis, or Mahomedans or Christians, to unite and to tell Government with a united voice that it is no part of Government's duty, that it is no part of a Government which has to administer peace and harmony and which has to keep the peace between the various communities, Hindus, Mahomedans and Parsis and other classes, to do anything which is liable in the slightest degree to be misunderstood.

Dr. M. K. DIXIT : Let the honourable member continue his speech to-morrow, Sir.

The Honourable the PRESIDENT : Will the honourable member take long to finish his speech this evening ?

Mr. B. G. PAHALAJANI : Not less than five minutes, Sir.

Honourable MEMBERS : To-morrow, to-morrow, Sir.

The Honourable the PRESIDENT : The House is adjourned to 1 p.m. to-morrow, Thursday, the 7th March 1929.







*Thursday, the 7th March 1929.*

The Council re-assembled at the Council Hall, Bombay, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ADDYMAN, Mr. J.  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 AMIN, Mr. H. J.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHURGRI, Mr. J. W.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Rao Bahadur S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. C. S. C.  
 HOTSON, The Honourable Mr. J. E. B.  
 ISHAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JANVEKAR, Mr. D. A.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHHO, Khan Bahadur M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALLJEE, Mr. HOOSEINBHoy ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LIGADE, Mr. S. P.  
 MACKIE, Mr. A. W. W.  
 MACLACHLAN, Mr. D.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NARIMAN, Mr. K. F.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PAWAR, Mr. SADASHIVRAO alias KHASERAO JIVAJIRAO  
 PETCH, Mr. F. W.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. CHHOTALAL R.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH

SYED MUHAMMAD KAMIL SHAH

SYED MUNAWAR, Mr.

THAKOR OF KERWADA, the

THORNER, Mr. J. P.

TURNER, Mr. C. W. A.

VANDEKAR, Rao Sahab R. V.

WASIF, Mr. G. A. D.

WILES, Mr. G.

WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT : Order, order. Questions.

#### GRANTS-IN-AID TO LOCAL BOARDS.

Dr. P. G. SOLANKI (on behalf of Dr. B. R. AMBEDKAR) : Will Government be pleased to state—

(a) whether it is a fact that the question of grants to Local Boards has been kept pending for nearly 3 years by the Director of Public Instruction ;

(b) if so, who is responsible for the delay ;

(c) what steps, if any, Government propose to take in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) If the honourable member refers to grants by Government on account of primary education the provisional grants made yearly to district local board local authorities are often in excess of the actual amount shown to be due after audit. The final adjustment of these yearly grants are made later when audit objections have been met.

(b) Does not arise.

(c) No alteration of the existing procedure is contemplated.

#### TABLE DISPENSARIES : REMUNERATION OF TEACHERS.

Mr. H. J. AMIN (Broach District) : Will Government be pleased to state whether the primary school teachers who do the work of the table dispensaries are given any remuneration ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Mr. H. J. AMIN : May I know what is the amount of remuneration they are paid ?

The Honourable MOULVI RAFIUDDIN AHMAD : It differs. If the honourable member will kindly give me notice, I will give him the amounts.

#### TEACHERS, RATNAGIRI DISTRICT : BHANDARIS.

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) the total number of teachers in the Ratnagiri District ;

(b) the number of teachers belonging to the Bhandari community in the district ?



The Honourable MOULVI RAFIUDDIN AHMAD : Assuming that the honourable member refers to primary teachers only the following information is supplied—

(a) 1,154.

(b) 82.

#### HOSPITAL POSTS : M.B.B.S. MEN.

Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Education be pleased to state—

(a) whether he has made any enquiries, as he promised on the 12th March 1928 (*vide* Council Proceedings Vol. XXII, p. 1287) for M.B.B.S. men to be obtained to replace the S. M. S. men in the Cowasji Jehangir Ophthalmic and Goculdas Tejpal Hospitals, Bombay ;

(b) if so, what has been the result of his enquiries ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) The Superintendents of the two Hospitals referred to, who are both Indian Officers, were consulted and they are of opinion that in the interests of efficiency and discipline, the retention of permanent service officers is essential. This opinion is also concurred in by the Surgeon General. Government, however, propose to engage one of the M.B.B.S. candidates, experimentally, for a year, in one of these hospitals, at the next suitable opportunity.

Dr. M. D. GILDER : Is the Honourable Minister aware that these posts are of considerable educational value, inasmuch as they serve as apprenticeships to competent surgeons, and are Government aware that in other countries these posts are reserved for fresh medical graduates and not for men in permanent Government service ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, and therefore the experiment is being made.

Dr. M. K. DIXIT : Why is not the same system observed in the administration of the J. J. and other hospitals in Bombay as at the Cowasji Jehangir and the G. T. Hospitals ?

The Honourable MOULVI RAFIUDDIN AHMAD : This experiment is being tried. If it is successful, it will be followed elsewhere also.

Dr. M. K. DIXIT : My question is whether members from the permanent service, that is S. M. S. men, are employed there or M.B., B.S. men. So far as my information goes, M.B., B.S. people are taken and not members of the permanent service in the Cowasji Jehangir Hospital.

The Honourable MOULVI RAFIUDDIN AHMAD : That is so.

Dr. M. K. DIXIT : May I know why that system is observed there and elsewhere it is different ?

The Honourable MOULVI RAFIUDDIN AHMAD : I wish to make enquiries.

Dr. M. K. DIXIT : Does the Honourable Minister want notice for that ?

<sup>2</sup>  
The Honourable MOULVI RAFTUDDIN AHMAD : Yes, and then I will make enquiries.

#### NEWSPAPERS : REFERENCES TO SHIVAJI.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the language of the references to Shivaji made in

- (1) *The Madadgar* of Nadiad of the 26th August 1927,
- (2) *The Munsif* of Surat of the 2nd December 1927,
- (3) *The Munsif* of Surat of the 9th December 1927, and
- (4) *The Munsif* of Surat of the 30th December 1927 ;

(b) if the answer to (a) is in the affirmative, whether Government intend to take legal steps in the matter ?

The Honourable Mr. J. E. B. HOTSON : The attention of the honourable member is invited to the answers given to the questions of the honourable member Mr. Swaminarayan. on the same subject.\*

#### LAND REVENUE CODE : AMENDMENT OF SECTION 94 (a).

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state whether they promised in Government Resolution, Revenue Department, No. 8783, dated 12th September 1916, to amend the section 94 (a) of Land Revenue Code ?

The Honourable Mr. J. L. RIEU : Yes. Government propose to introduce the necessary amendment in the next general bill to amend the Land Revenue Code.

Sardar G. N. MUJUMDAR : May I know when this general bill is coming ? Is it coming at the next session ?

The Honourable Mr. J. L. RIEU : I am unable to say definitely. Possibly, if there is time, in the July-August session.

#### JUDICIAL COMMISSIONER'S COURT : SIND (REGISTRAR).

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that except when working on the Appellate Bench, each of the Judges of the Court of the Judicial Commissioner of Sind has ordinarily to devote one day per week to the disposal of miscellaneous applications and interlocutory work ;

(b) whether it is a fact that this practice does not prevail in the High Court of Bombay ;

(c) whether it is a fact that under the present arrangement a great deal of judge power is spent on matters which are dealt with in other High Courts by a member of the Registerial staff and is not available for the disposal of the substantive civil and criminal matters which thus go into arrears ;

(d) whether Government have considered the advisability of raising the status and scale of pay of the post of the Additional Registrar of the Court and transferring to him most of the miscellaneous applications and interlocutory work?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) No. On the Original Side of the High Court, the bulk of the miscellaneous applications and interlocutory work is dealt with by the Chamber Judge. It takes him most of each Monday and Friday to dispose of this chamber work ; but some is done by him on the other days of each week. Certain special work as in the Commercial List, or the Testamentary List, or the Company List, or the Insolvency List goes, however, to other Judges. Apart from the Chamber Judge's work, each Judge hears in Court every Monday and Thursday any Interlocutory Motions in suits assigned to him.

(c) Powers have been delegated to the Registrars by Notifications Nos. A-217, dated 6th February 1928, and A-292, dated the 17th February 1928, published at page 219 and page 315 of the *Sind Official Gazette*, Part I, dated the 9th and 23rd February 1928. Delegation to the staff to the same extent as in the Bombay High Court is not at present practicable.

(d) The matter is still under consideration.

#### NEW PENSION RULES.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether they have finished the consideration of the revised Pension Rules for Government service ;

(b) if not, when they expect to finish such consideration and issue final orders on the subject ;

(c) the reasons for the delay in disposing of this question ;

(d) whether it is a fact that the question has been under the consideration of Government since 1925 ;

(e) if Government have finished the consideration of the revised Pension Rules, will they place on the Council table a copy of the rules as finally adopted by them ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) The rules will be embodied in the Bombay Civil Services Rules Manual which will shortly be published.

(c) The very complicated nature of the case.

(d) No.

(e) A copy of the Bombay Civil Services Rules Manual, which will contain the new Pension Rules, will be placed on the Council table when published.

#### MUNICIPALITIES : SANITARY SCHEMES.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the amount sanctioned by them for sanitary schemes in each municipal town in the Bombay province in each of the years 1926-27, 1927-28 and 1928-29 and the nature of such scheme ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The accompanying statement gives the information required.

*Statement showing grant for Sanitary Schemes to Municipalities.*

Municipality	Nature of the Scheme	Grant sanctioned
<b>1926-27.</b>		
		Rs. a.
Londhla .. ..	Water Supply .. ..	1,027 0
Sholapur .. ..	Drainage .. ..	25,000 0
Poona City .. ..	Do. .. ..	2,90,000 0
Khapdvanj .. ..	Water Supply .. ..	60,000 0
Dhulia .. ..	Drainage .. ..	62,744 0
Dholka .. ..	Water Supply .. ..	2,400 0
Pandharpur .. ..	Do. .. ..	3,955 0
Surat .. ..	Do. .. ..	5 0
Karad .. ..	Do. .. ..	1,345 0
Poona .. ..	Drainage .. ..	44,310 0
Ahmednagar .. ..	Water Supply .. ..	1,500 0
Nandurbar .. ..	Do. .. ..	285 0
Ahmedabad .. ..	Do. .. ..	17,500 0
Gokak .. ..	Do. .. ..	3,500 0
Bijapur .. ..	Drainage .. ..	2,800 0
Alandi .. ..	Do. .. ..	250 0
Sehwan .. ..	Water Supply .. ..	3,500 0
Shirpur .. ..	Drainage .. ..	4,868 0
Dholka .. ..	Water Supply .. ..	9,345 0
Thasra .. ..	Constructing latrines for females .. ..	431 0
Sholapur .. ..	Drainage .. ..	4,300 0
Mahableshwar .. ..	Water Supply .. ..	14,880 0
Nandurbar .. ..	Construction of latrines .. ..	1,986 0
Sholapur .. ..	Water Supply .. ..	10,119 0
Guledgud .. ..	.....	243 0
<b>1927-28.</b>		
Matheran .. ..	Water Supply .. ..	18,021 0
Karachi .. ..	Do. .. ..	25,000 0
Khapdvanj .. ..	Do. .. ..	53,649 0
Surat .. ..	Do. .. ..	12,000 0
Nipani .. ..	Do. .. ..	4,080 0
Poona City .. ..	Drainage .. ..	2,03,574 0
Vita .. ..	Water Supply .. ..	2,843 8
Karad .. ..	Do. .. ..	923 0
Hubli .. ..	.....	20 0
Dhulia .. ..	Drainage .. ..	1,708 0
Karachi .. ..	Do. .. ..	28,197 0
Pandharpur .. ..	Water Supply .. ..	370 0
Do. .. ..	Drainage .. ..	12,096 0
Gadag Betti-Geri .. ..	Do. .. ..	1,960 0
Dhulia .. ..	Do. .. ..	364 0
Matheran .. ..	Water Supply .. ..	3,120 0
Alandi .. ..	Do. .. ..	3,000 0
Sholapur .. ..	Drainage .. ..	1,260 0
Karachi .. ..	Do. .. ..	5,346 0
Matheran .. ..	Water Supply .. ..	2,072 0
Mahableshwar .. ..	Do. .. ..	9,300 0
Jalgaon .. ..	Do. .. ..	60,000 0
Nandurbar .. ..	Do. .. ..	5,350 0
Poona City .. ..	Sanitation of a Mang Colony .. ..	5,000 0
Matheran .. ..	Water Supply .. ..	18,021 0
Ahmednagar .. ..	Do. .. ..	358 0

Municipality	Nature of the Scheme				Grant-in-aid sanctioned
1927-28—contd.					Rs. a.
Poona City .. ..	..	Drainage	..	..	67,435 0
Dhulia .. ..	..	Do.	..	..	1,927 0
Tando Adam .. ..	..	Do.	..	..	17,716 0
Dhulia .. ..	..	Do.	..	..	1,235 0
Shirpur .. ..	..	Do.	..	..	2,445 0
Karad .. ..	..	Water Supply	..	..	240 0
Dhulia .. ..	..	Drainage	..	..	543 0
Poona City .. ..	..	Do.	..	..	2,478 0
Ahmednagar .. ..	..	Water Supply	..	..	302 0
1928-29 (up-to-date).					
Nandurbar .. ..	..	Water Supply	..	..	467 0
Uran .. ..	..	Do.	..	..	600 0
Dhulia .. ..	..	Drainage	..	..	739 0
Sholapur .. ..	..	Do.	..	..	2,005 0
Panvel .. ..	..	Water Supply	..	..	1,204 0
Nargund .. ..	..	Do.	..	..	1,400 0
Lonavla .. ..	..	Drainage	..	..	3,360 0
Ahmednagar .. ..	..	Water Supply	..	..	215 0
Hyderabad .. ..	..	Do.	..	..	614 0
Nipani .. ..	..	Do.	..	..	2,820 0
Matheran .. ..	..	Do.	..	..	364 0
Surat .. ..	..	Do.	..	..	8,254 0
Pandharpur .. ..	..	Do.	..	..	498 0
Alandi .. ..	..	Do.	..	..	1,092 0
Kaira .. ..	..	Do.	..	..	375 0
Kapadvanj .. ..	..	Drainage	..	..	29,961 0
Karachi .. ..	..	Do.	..	..	5,346 0
Kapadvanj .. ..	..	Water Supply	..	..	319 0
Dhulia .. ..	..	Drainage	..	..	43 0
Poona City .. ..	..	Do.	..	..	5,188 0
Matheran .. ..	..	Water Supply	..	..	1,064 0
Poona City .. ..	..	Drainage	..	..	70,000 0
Sholapur .. ..	..	Do.	..	..	553 0
Matheran .. ..	..	Water Supply	..	..	2,500 0
Nandurbar .. ..	..	Do.	..	..	13,417 0

## SICKNESS INSURANCE.

Dr. P. G. SOLANKI (on behalf of Mr. S. C. JOSHI) : Will Government be pleased to state—

(a) whether they have recently received a letter from the Government of India on the question of the feasibility of introducing a scheme of sickness insurance either on the lines of the Draft Convention and Recommendations adopted by the Tenth International Labour Conference or on some other suitable lines ;

(b) if so, whether the Government of India have also suggested that the examination of the matter may be entrusted to a small and informal committee including a few representatives of employers and employees ;

(c) what the views of Government in the matter are ;

(d) if the reply to (b) above be in the affirmative, whether they propose to appoint such a committee and to entrust the matter to it ;

(e) if not, the reasons therefor ;

(f) whether Government will invite the opinion and suggestions of the various labour unions in the Presidency ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) Yes.

(c) to (e) Government do not think that any useful purpose would be served by the appointment of a committee at this stage, as the subject will probably form one of the terms of reference to the Whitley Commission.

(f) Does not arise.

#### PORT TRUSTS : CONTROL AND CONSTITUTION.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state, so far as the three Major Ports under the agency control of the Bombay Government are concerned—

(a) when the contemplated transfer of the ports to the statutory control of the Central Government is likely to be effected ;

(b) whether Government have made any recommendations to the Central Government as regards changes in the Constitution, Rules and Regulations of the Port Trust Boards in Bombay, Karachi and Aden ;

(c) if so, what recommendations they have made ?

The Honourable Sir GHULAM HUSSAIN : As the Honourable Member is aware, the Local Governments are merely the agents of the Government of India in regard to "Major Ports." Their information as regards this matter is, however, as follows :—

(a) At a Conference held in Delhi in November 1924, which was attended by representatives of the Local Governments, the Chairmen of the Port Trusts of the Major Ports, Port Officers and others, it was considered, *inter alia*, whether the subject "Major Ports," *i.e.*, Port Trusts, should continue to be administered through the agency of the Local Governments or should be administered direct by the Government of India. As a result of this discussion, the Government of India have decided that the question of Major Ports (Port Trusts), concerning which there was some difference of opinion at the Conference, should be considered later when experience of the Central administration of other subjects, *e.g.*, "Shipping and Navigation" and "Light houses", has been gained. The transfer of "Port Trusts" to the direct control of the Government of India is not, therefore, likely to be effected in the immediate future.

(b), (c). No recommendations have been made by the local Government in the matter.

#### SUKKUR : CLERICAL ESTABLISHMENT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state :—

(a) the number of clerical posts in the grade of Rs. 105—5—125 and over in the North Western Circle, Sukkur ;

(b) how many of these are held by (i) Hindus, (ii) Mahomedans ;  
 (c) the qualifications of each of the incumbents ;  
 (d) whether the claims of Muslim clerks in the North Western Circle were given full consideration while filling up posts in the grades of Rs. 105—5—125 and over during the past three years as ordered in paragraph 3 of Government Circular in the Finance Department No. 3840, dated 23rd July 1925.

(e) if the reply to (d) is in the affirmative, whether they will furnish a comparative statement showing the names, qualifications, past experience of each Mahomedan clerk employed in the Circle, together with the names, qualifications and past experience of Hindu clerks promoted to higher grades of Rs. 105—5—125 and over during the past three years and the date of each promotion ?

The Honourable Sir GHULAM HUSSAIN : (a)

(i) Four in the grade of Rs. 105—5—125.

(ii) Five above the grade of Rs. 105—5—125.

(b) (i) Three by Hindus and 1 by a Mahomedan in the grade of Rs. 105—5—125

(ii) Five by Hindus above the grade of Rs. 105—5—125.

(c) The attached statement "A" gives the required information.

(d) Yes.

(e) The attached statements "B" and "C" give the required information. In the statement "B" the names of Mahomedan clerks in the grades of Rs. 30—5—2—70 have not been included as such clerks must in the first instance attain to the grade of Rs. 75—5—100 before they can be considered for promotion to the grade of Rs. 105—5—125.

"A"

*Statement showing the names of clerks in the grade of Rs. 105—5—125 and above employed in the North Western Circle with their qualifications and past experience.*

No.	Name	Qualifications	Past experience	Remarks
<i>Grade 220—10—300</i>				
1	Mr. Tahiram Parsara Parsani.	2nd Grade Public Service Examination.	Six months temporary and 15 years and 9 months permanent service in Sind Public Works Department and about 3½ years in this jurisdiction.	On deputation from Sind Public Works Department.
<i>Grade 150—5—200</i>				
2	Mr. Balchand Rughunath Nawani.	2nd Grade Public Service Examination and Commercial Examination in Book-keeping held by the National Union of Teachers, London and Subordinates' Revenue Departmental Examination.	1½ years' temporary service in the Karachi Municipality and a European firm and about 16 years' previous permanent Government service and 5½ years in this jurisdiction.	On deputation from the Revenue Department, Hyderabad District.
<i>Grade 120—5—150</i>				
	Mr. Hiranand Janjina Mamtani.	2nd Grade Public Service Examination and Lower and Higher Departmental Examinations of Revenue Department.	He is a retired Mukhtiar of the Revenue Department. Has about 4½ years' service in this jurisdiction.	

No.	Name.	Qualifications.	Past experience.	Remarks.
<i>Grade 107—5—125.</i>				
1	Mr. De Gouvea T. de Almeida.	Matriculation, Vernacular Final and School Departmental Examinations.	17 years' permanent Government service in the Federal District and about 21 years in this jurisdiction.	On detached duty in the Federal District.
2	Mr. Shauldas Satram Kishore.	Matriculation Examination of the Bombay University and School Final Examination.	About 6 years' previous service in the Government School and nearly 51 years in this jurisdiction.	
<i>Grade 107—5—125.</i>				
3	Mr. Khanchand Kashyap, Mansurabad.	B.A. of the Bombay University.	About 11 years' previous service in Government Departments and about 3 years in this jurisdiction.	
4	Mr. Awatari Mush-takkar Jazmari.	Matriculation	Six months' previous service in the Karachi Municipality and about 51 years in this jurisdiction.	
5	Mr. Abdul Kadir Wadhwan Kureshi.	Matriculation and passed Vernacular Final Examination.	Four and half years' previous temporary service in Government offices and nearly 51 years in this jurisdiction.	
6	Mr. Gobindram Mulchand, Mansurabad.	Matriculation and School Final Examinations of the Bombay University and Shorthand, Typing and Senior Book-keeping Examinations held by National Union of Teachers and at Clarke's College, Karachi.	One and half years' previous service in a firm and 5 months in a Government Office and nearly 51 years in this jurisdiction.	

## "B"

*Statement showing the names of Mahomedan clerks in the grade of Rs. 75—5—100 employed in the North Western Circle with their qualifications and past experience.*

No.	Name.	Qualifications.	Past experience.	Remarks.
<i>Grade 75—5—100.</i>				
1	Mr. Wadudux Gul Mahomed Tunio.	Matric of Bombay University.	Two and half years' previous Government and 6 months' private service and about 5 years in this jurisdiction.	
2	Mr. Mohammed Ibrahim Abdullah.	Matric of the Punjab University.	About 8 years' previous Government service in Military, etc., and nearly 31 years in this jurisdiction.	
3	Mr. Noor Mohammed Fakir Mohammed.	Studied up to 6th Standard and English.	Fifteen years' previous service in the Police Department and about 31 years in this jurisdiction.	
4	Mr. Ghouslux Gul Mohammed Baloch.	Matriculation	Seven years' previous service in Government Departments and about 3 years in this jurisdiction.	



No.	Name.	Qualification.	Past experience.	Remarks.
Grade 75-5-100				
5	Mr. Zahir Ahmad.	Studied up to Matric at Punjab.	Five years' previous service in Military Department, 2½ years in a local firm and nearly 2½ years in this jurisdiction.	Recently promoted from Rs. 60 in the grade of Rs. 80-5-70 in the Superintending Engineer's office to Rs. 75 in the grade of Rs. 75-5-100 in Divisional Office (Warah Branch Division). (Will join the new appointment on 1st February 1929 at the latest.)

## "C"

*Statement showing the names of the H.C. Circle promoted to higher grades of Rs. 105-5-125 and also in the North Western Circle during the past three years with the qualifications, past experience and the date of their promotion.*

No.	Name.	Grade to which promoted.	Qualifications.	Past experience.	Date of promotion.	Remarks.
R.						
1	Mr. Sankaradas N. Padilani.	105-5-125	Passed B.A. of the Bombay University.	Five years and one month service as an Assistant Master, Government High School, Larkana, and one year in Barrage.	1st June 1925.	At present he is an Accountant in the Audit Office.
2	Mr. Tukamdas Fatehchand Butani.	130-5-180	Passed Matriculation Examination of Bombay University.	Eleven years' service in Karachi Municipality, 4 years in firms, etc., and two years' service in Barrage.	15th November 1926.	Promoted to the grade of 130-5-180 and transferred to Eastern Nara Circle.
3	Mr. Ramchand Khushi Ram Kirpalani.	105-5-125 and 130-5-180	Passed B.A. of the Bombay University.	Ten months in Government High School and 4 years in European firms.	1st January 1924 and 5th April 1927.	Promoted to the grade of 130-5-180 and transferred to the Eastern Nara Circle from 5th April 1927.
4	Mr. Tatchchand Murlidas Lala.	105-5-125 and 130-5-180	Matriculated.	One year and 7 months' previous Government service, 3 years in firms and about 2½ years in this jurisdiction.	20th June 1925 and 18th February 1928.	Promoted to the grade of 105-5-125 on 20th June 1925. Promoted to the grade of 130-5-180 on 18th February 1928 and transferred to Draglines Division.
5	Mr. Dewandas Fatehchand Chotrani.	130-5-180	Matriculation, Vernacular Final and Judicial Departmental Examinations.	Seventeen and half years' permanent Government service in the Judicial Department and about 3 years in this jurisdiction.	16th August 1927.	On deputation from the Judicial Department, Larkana District.

No.	Name.	Grade to which promoted.	Qualifications.	Past experience.	Date of promotion.	Remarks.
Rs.						
6	Mr. Kham-e h a n d Keshi d a s M a n s h a r a m a n i .	105-5-125..	B.A. of the Bombay University.	About 4½ years' previous service in Government Department and about 3 years in this jurisdiction.	18th January 1926.	
	Mr. Thanwar-das Gulraj-mal Thakur.	105-5-125..	Matriculated..	Six months' previous service in the Karachi Municipality and about 5 years in this jurisdiction.	5th April 1927.	Died.
8	Mr. Awatral Mushtak r a i Jagtani.	105-5-125..	Matriculated..	Six months' previous service in the Karachi Municipality and about 5½ years in this jurisdiction.	4th May 1927.	
9	Mr. Gobind-ram Mul-chand Man-shuramani.	105-5-125..	Matriculation and School Final of Bombay University and Short-hand, Type-writing and Senior Book-keeping Examinations held by the National Union of Teachers and at Clarke's College, Karachi.	One and half years' previous service in a firm and 3 months in a Government office and nearly 5½ years in this jurisdiction.	25th January 1929.	

**Mr. HAJI MIR MAHOMED BALOCH (In Urdu):** If a non-matriculate is taken straight on the Barrage clerical staff, does he start in the grade of Rs. 30-5/2-70?

**The Honourable Sir GHULAM HUSSAIN:** That is a suggestion for action.

**The Honourable the PRESIDENT:** That is a suggestion for action.

**Mr. HAJI MIR MAHOMED BALOCH:** From the reply to (e) that there are clerks in the grade of Rs. 30-5/2-70. I ask if a non-matriculate comes straight on to the clerical staff of the Barrage, does he get Rs. 30/- or more? What is the rule?

**The Honourable Sir GHULAM HUSSAIN:** It is a question of demand and supply. If we cannot get non-matriculats on Rs. 30. we will give them more.

**Mr. HAJI MIR MAHOMED BALOCH:** They are paid more!

**The Honourable Sir GHULAM HUSSAIN:** Yes.

**Mr. HAJI MIR MAHOMED BALOCH:** Was no Mahomedan found qualified in the statement B to be taken in the cadre in statement A?

**The Honourable Sir GHULAM HUSSAIN:** No Mussalman was found qualified.

**Mr. HAJI MIR MAHOMED BALOCH:** Is it not a fact that Government issued a resolution that 50 per cent. of the staff recruited should be Mahomedans? There is only one Mahomedan.

The Honourable Mr GHULAM HUSSAIN: Yes; qualified Mahomedans are people, but we cannot do injustice to others.

Mr. HAJI NER MAHOMED BALOCH: Were there no other Mahomedan applicants?

The Honorable Sir GHULAM HUSSAIN: No.

**MR. JATRAM DAS DOULATRAM:** Do the orders of Government with regard to certain percentages to be recruited from certain communities relate to the cadres as a whole or relate to each circle, division or sub-division?

The Honourable Sir GHULAM HUSSAIN : To the cadre.

MR. HAJI MIR MAHOMED BALOCH : Is not the man in item No. 7 of the statement A who has put in 6 months' previous service, etc., less qualified than the man in item No. 4 of statement B having seven years' previous experience, etc ?

The Honourable Sir GHULAM HUSSAIN : The man in item No. 7 of statement A has departmental experience in the Public Works Department.

## CITY AND BENCH MAGISTRATES, POONA.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased—

(a) to place on the Council Table separate statements for the last three years showing how many long and short cases were tried by the City Magistrate and the Bench Magistrate, Poona, respectively :

(b) to state how many of these cases went in appeal and with what result?

The Honourable Mr. J. E. B. HOTSON: (a) and (b) Statements giving the required information are placed on the Council Table.

Statement showing

- A. Cases tried by the City Magistrates, Poona,  
B. Cases tried by the City Magistrate, Poona, as Cantonment Magistrate,  
C. Cases tried by the Bench Magistrates, Poona.

A. Cases tried by the City Magistrate, Poona.												
Name of Court.		Year.	No. of cases tried.		No. of cases in which appeals were preferred.	Result of Appeals.			Revisions.			Remarks
			Long.	Short.		Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	
City Magistrate, Poona.	1926	318	1,095	29	22	6	1	..	..	..	2 appeals pending	
Do.	1927	275	842	32	30	2	..	..	..	..		
Do.	1928	227	999	16	11	1	2	..	..	..		

B.

Cases tried by Magistrate for the Cantonment Magistrate

Name of Court.	Year.	No. of Cases tried		No. of Cases in which appeals were preferred.	Result of Appeals.			Revisions.			Remarks
		Long.	Short.		Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	
Cantonment Magistrate, Poona.	1926	44	774	8	5	1	2	..	..	..	
Do.	1927	41	877	3	3	..	..	..	..	..	
Do.	1928	39	927	6	1	1	2	..	..	..	2 appeals pending.

C.

Cases tried by the Bench Magistrates, Poona.

Section I	1926	41	215	4	3	1	4	..	..	..	
Do. II	1926	60	290	7	1	..	5	..	1	..	
Do. III	1926	35	210	..	..	..	3	..	..	..	
Section I	1927	32	242	3	1	3	3	..	1	..	
Do. II	1927	46	272	3	..	..	10	..	..	..	
Do. III	1927	41	187	2	..	..	3	..	1	..	
Section I	1928	31	344	1	1	2	4	..	..	..	
Do. II	1928	43	355	..	..	1	5	..	1	..	
Do. III	1928	33	282	1	..	1	3	..	..	..	

*Note.*—As there is no legal definition of long and short cases, "Short Cases" have been taken as offences under Police and other minor Acts, summons cases and summary cases and "long cases" as all others.

Mr. N. B. CHANDRACHUD : We find in the statement C regarding the cases tried by Bench Magistrates that out of the 4 appeals preferred, three were confirmed, one modified and four reversed. Similarly in the column below we find that out of the 3 cases in which appeals were preferred, one was confirmed, three modified and three reversed. Was this information supplied to Government by the bench magistrate?

The Honourable Mr. J. E. B. HOTSON: I am afraid there is something wrong with the figures. I shall have to get them corrected.

The following is the revised and corrected statement referred to above :—

Statement showing

- A. Cases tried by the City Magistrate, Poona;  
 B. Cases tried by the City Magistrate, Poona, as Cantonment Magistrate;  
 C. Cases tried by the Bench Magistrates, Poona.

A.											
Cases tried by the City Magistrate, Poona.											
Name of Court.	Year.	No. of cases tried.		No. of cases in which appeals were preferred.	Result of Appeals.			Revisions.			Remarks.
		Long.	Short.		Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	
City Magistrate, Poona.	1926	318	1,095	29	22	6	1	..	..	..	
Do.	1927	275	842	32	30	2	..	..	..	..	
Do.	1928	227	369	16	11	1	2	..	..	..	2 appeals pending.

B.											
Cases tried by the City Magistrate, Poona, as Cantonment Magistrate.											
Cantonment Magistrate, Poona.	1926	44	774	8	5	1	2	..	..	..	
Do.	1927	41	877	3	3	..	..	..	..	..	
Do.	1928	39	927	6	1	1	2	..	..	..	2 appeals pending.

C.											
Cases tried by the Bench Magistrates, Poona.											
Section I	1926	41	215	8	4	3	1	4	..	..	
Do. II	1926	60	290	8	7	1	0	5	..	1	
Do. III	1926	35	210	..	..	..	..	3	..	..	
Section I	1927	32	242	7	3	1	3	3	..	1	
Do. II	1927	46	272	3	3	..	..	10	..	..	
Do. III	1927	47	187	2	2	..	..	3	..	1	
Section I	1928	31	344	4	1	1	2	4	..	..	
Do. II	1928	43	355	1	..	..	1	5	..	1	
Do. III	1928	33	282	2	1	..	1	3	..	..	

Note.—As there is no legal definition of long and short cases, "Short Cases" have been taken as offences under Police and other minor Acts, summons cases and summary cases and "long cases" as all others.

## HIGH COURT : TAXING MASTER.

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether in any set of circumstances the taxing officer of the Bombay High Court has been receiving payments from parties for taxing bills of attorneys ;

(b) in what set of cases and under what circumstances he is entitled to such payments ;

(c) the total amount so received every year during the last five years ;

(d) whether Government service rules allow a Government officer to receive additional remuneration for doing work pertaining to his office ;

(e) if the answer to (d) is in the negative, whether the present taxing officer has been permitted to receive such payments ; if so, the reasons therefor ?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) and (c) Do not arise.

(d) A Government servant may receive remuneration for work which is not part of his official duties.

(e) Does not arise.

## FOREST GRIEVANCES COMMITTEE : GOVERNMENT ACTION.

Mr. C. R. SHROFF (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether they have taken any and what action on the recommendations of the Forest Grievances Committee : if not, the reasons therefor ;

(b) whether Government propose to take any action hereafter, if so, when ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The Honourable member is referred to Government Resolution, Revenue Department, No. 7324/24, dated 19th July 1927, containing the orders of Government on the report of the Committee. Copies of the Resolution were furnished to the members of the Legislative Council.

## INDUSTRIAL WORKERS' SICKNESS INSURANCE SCHEME.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they have received a circular from the Government of India regarding the formulation of a scheme of sickness Insurance for Industrial workers ;

(b) whether it is a fact that the Central Government had suggested to the Provincial Government the advisability of appointing a committee for the above purpose ;

(c) if so, whether the Bombay Government have appointed a Committee ;

(d) if they have not done so, when they propose to appoint it ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) Yes.

(c) and (d) Government do not think that any useful purpose would be served by the appointment of a Committee at this stage as the subject

will probably form one of the terms of reference to the Whitley Commission.

Mr. SYED MUNAWAR: In answer to (c) and (d) it is stated that the subject will probably form part of the terms of reference to the Whitley Commission. If Government definitely know that it will not form part of the Whitley Commission enquiry, will they consider the desirability of appointing a committee referred to in the question?

The Honourable Sir GHULAM HUSSAIN: Probably it will come under the terms of reference. Otherwise, Government will consider the question.

#### PUBLIC EMPLOYMENT BUREAU.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether it is a fact that there is a scheme under their consideration for setting up Public Employment Bureau;

(b) whether they have consulted any employers' organisations in that connection, and if so, their names;

(c) whether they have consulted any workers' organisations in the matter, and if so, their names;

(d) If they have not consulted the latter, the reasons for not doing so?

The Honourable Sir GHULAM HUSSAIN: (a) to (d) There is no scheme under the consideration of the Government of Bombay for setting up Public Employment Bureau. It is understood that the question of the advisability of starting Labour Exchanges is under the consideration of the Government of India.

#### AYURVEDIC AND UNANI DISPENSARIES.

Rao Sahab R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) the number of Ayurvedic and Unani dispensaries opened by the municipalities and district local boards in the presidency;

(b) the number of qualified vaidas and hakims in such dispensaries;

(c) the names of the Ayurvedic and Unani schools from which such vaidas and hakims are recruited;

(d) the number of these schools that are recognised by Government;

(e) the number of these dispensaries that were visited by the Deputy Director of Public Health;

(f) the suggestions of this officer regarding the working of the dispensaries?

The Honourable MOULVI RAFI'UDDIN AHMAD: (a)–(c) The accompanying statement gives the required information.

(d) It is not clear what is meant by Government "recognition" of such schools. None of them receives any subventions from Government nor are any vaidas or hakims employed by Government.

(e) The Assistant Director of Public Health, Gujarat Registration District, visited an Ayurvedic dispensary at Zadeshwar informally and the Assistant Director of Public Health, Western Registration District, has visited two dispensaries at Dhulia and Nasik in 1923 and 1928, respectively.

(f) No suggestions have been made by these officers regarding these dispensaries.

## Statement of Ayurvedic and Unani Dispensaries in the Bombay Presidency.

Name of the District	Number of Ayurvedic and Unani Dispensaries opened by the Municipalities and District Local Boards in the Presidency	Number of qualified Vaidys and Hakims in such dispensaries	The names of Ayurvedic and Unani Schools from which such Vaidys or Hakims are recruited
	(a)	(b)	(c)
Ahmedabad .. ..	NIL.	NIL.	....
Kaira .. ..	9 (Opened and managed by the Village Committee with a grant from the District Local Board).	None have passed any examination.	....
Panoh Mahals .. ..	NIL.	NIL.	....
Broach .. ..	1 (private charitable)	1	....
Surat .. ..	NIL.	NIL.	....
Thana .. ..	1	1	From Aryangla Vaidyak Vidyalaya, Satara.
West Khandesh .. ..	5	5	From Aryangla Vaidyak Vidyalaya, Satara. From Ayurveda Mahavidyalaya, Ahmednagar. From India Shree Shivaji Ayurvedic University, Nasik.
East Khandesh .. ..	10	19	1 Grahit Ayurved Shala, Ahmednagar. 2 Aryangla School, Satara. 1 Popat Prabhuram Institution, Bombay. 1 Grahit Ayurveda Shastra examination of the Medical College at Patan in the Baroda State.
Nasik .. ..	7	7	6 From Aryangla Ayurvedic School, Satara and Baroda. 1 From Shrawanmas Dakshina Prize Committee of Baroda and Vaid-yashastrotajak Sabha of Poona.
Ahmednagar .. ..	7	7	The Ayurvedic Vidyalaya, Ahmednagar City. Maharashtra Aryangla Vaidyak Shala, Satara. Prabhuram Ayurvedic College, Bombay. Ayurved Shikshana Sanstha, Satara.
Poona .. ..	6	* 6	1 From Tilak Vidyalaya, Poona. 1 From Popat Prabhuram Ayurvedic School, Bombay. 1 From Aryangla Vaidyak School, Satara. 1 From Ayurved Mahavidyalaya, Ahmednagar.



Name of the District	Names of Ayurvedic and Unani Dispensaries opened by the Municipalities and District Local Boards in the Presidency		Number of qualified Vaid and Hakims in such dispensaries	The names of Ayurvedic and Unani Schools from which such Vaid and Hakims are recruited
	(a)	(b)		(c)
Satara .. .. .	6	6		Aryangla Vaidyak School, Satara.
Mahabaleshwar .. .. .	Nil.	Nil.		....
Sholapur .. .. .	1	1		Not known.
Ahmednagar .. .. .	1	1		Aryangla Vaidak School, Satara.
Ratnagiri .. .. .	Nil.	Nil.		....
Bijapur .. .. .	Nil.	Nil.		....
Dharwar .. .. .	Nil.	Nil.		....
Belgaum .. .. .	Nil.	Nil.		....
Karwar .. .. .	Nil.	Nil.		....
Karachi .. .. .	Nil.	Nil.		....
Hyderabad .. .. .	2	2		Not known.
Sukkur .. .. .	1	1		Bharatya Maha Vidyalaya Kankhal Jowalapur, Hardwar. Ayurvedic School, Delhi.
Larkana .. .. .	Nil.	Nil.		....
Jacobabad .. .. .	Nil.	Nil.		....
Aden .. .. .	Nil.	Nil.		....
Thar Parkar .. .. .	Nil.	Nil.		....

Mr. L. M. DESHPANDE : On page 16 Mahabaleshwar is given as the name of a district. When was this new district formed ?

The Honourable MOULVI RAFI UDDIN AHMAD : It is part of a district.

### DISTURBANCES IN BOMBAY

The Honourable Mr. J. E. B. HOTSON : Mr. President, with your permission I desire to make a brief statement regarding the recent motion for the adjournment of the House. Government have carefully considered the question of an enquiry into the recent disturbances in Bombay afresh, in view of the desire expressed by the House on that occasion that a committee of enquiry should be appointed, and are willing to accede to that desire.

A committee will, therefore, be appointed as soon as its composition can be settled and the consent of those invited to join it is obtained. I regret to have to inform the House that the Honourable the Chief Justice, who has already been asked to preside over the committee, has refused for reasons the force of which Government fully appreciate. Government will secure the services of another chairman whose impartiality and ability will similarly command general confidence.

[Mr. J. E. B. Hotson]

As regards the two other members of the committee, since Government are fully in accord with the opinion expressed on the floor of this House that three is the proper number, I understand that the names of Sir Ibrahim Rahimtoola and Sir Chunilal Mehta would be acceptable to all. These gentlemen are being invited to serve and I hope they will find themselves able to spare the time for this important public duty.

We propose to ask the committee to assemble at an early date to draw up their programme, and to decide when they will meet to take evidence.

The terms of reference will be as follows :

"To enquire into the recent disturbances in Bombay, their causes and origins, the course which they took, and the measures adopted by Government to suppress them, and to make recommendations."

The committee will have to decide whether to hold its meetings in public or *in camera*, or partly the one and partly the other.

Meanwhile we shall proceed with the compilation of the report which I mentioned last week; it will undoubtedly assist the Committee in its investigations.

### RAILWAY ADVISORY COMMITTEES

The Honourable Mr. J. L. RIEU : Mr. President, with your permission, I should like to move the following resolution :

"That this House do proceed to elect a representative to serve on each of the local advisory committees of the B. B. & C. I., G. I. P. and M. & S. M. Railways for a period of one year from 17th March 1929, on which date the appointment of the members at present sitting on the respective committees expires."

Perhaps, it will be convenient to the House to hold the elections to-morrow, as I understand that certain non-official members intend to leave Bombay for the *Id* holidays.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Sir, I want to bring to the notice of the House that no representative has yet been appointed for the North-Western Railway.

Question put and carried.

The Honourable the PRESIDENT : The nominations are to come in by this evening and the election will take place to-morrow.

Mr. J. C. SWAMINARAYAN : Sir, the election should take place on a day which is not a day for Demands for Grants; that is, it should take place next Thursday.

Mr. LALJI NARANJI : There are certain members absent to-day; will it not be inconvenient to them to send in nominations?

The Honourable the PRESIDENT : The difficulty is this. The Honourable the Leader of the House asked me, before our assembling here, whether he might propose this resolution to-day, as many of the members are leaving Bombay for the *Id* holidays. In fact it was at the request of the members of this honourable House that he consented to move the resolution to-day. I think to-morrow is fixed for an important item at the request of the House, and it is natural to suppose

[The President]

that the House would be quite full to-morrow. If the honourable member so wishes, the nominations might be sent in, if not by this evening, by to-morrow before the Secretary comes in here, so that there will be time to get the nominations typed.

Mr. LALJI NARANJI : Before 1 o'clock to-morrow ?

The Honourable the PRESIDENT : Yes.

Question again proposed :

That the provision of Rs. 55,945 for the establishment of the Oriental Translator consisting of 24 translators and assistant to the Oriental Translator be reduced by Rs. 8,000.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, while we were discussing yesterday the action of Government in closing its eyes and conniving at the action of one of its servants, the effect of which has been to inflame the feelings of one community against another, the same servant was sending, or at least the *Times of India* was composing, a fresh article "Through Indian Eyes" in the same strain as before. We have got in to-day's issue a contribution headed "Through Indian Eyes" exactly in the same strain as we read before. This certainly is the irony of the situation. I earnestly hope that the publication of the contributions appearing this morning is not a studied attempt on the part of the writer at insulting the Council which was sitting in deliberation over the very matter. Sir, the *Indian National Herald* has long since exposed the name of the writer; Government were fully aware of it—I think the Government must have read the statement—was fully aware of what was going on in the Press; Government did not care to deny the identity of the person; Government did not care to deny his participation in this affair. Then, subsequently we heard of the Editor of the *Nava Kal* being indicted for sedition. The case has been committed to the High Court Sessions, and therefore I have no intention of going into the justice or otherwise of Government starting a prosecution against him. But certainly it appears odd, it appears strange, that when Government take action against vernacular papers edited by Indians in matters of this kind, when these papers are put to the trouble of going through a prosecution, the *Times of India* should be exempt in spite of repeated articles, that not the slightest notice is taken of it. Now, Sir, so far as the *Times of India* is concerned, we cannot but feel, whatever Government may say, that it is behind the author of these articles which serve to set up one community against another. I put it to honourable members who defend the action of this writer, whether there is no reason why Government are glossing over his breach of discipline? The only argument advanced by the defenders of Government is that he is an Indian and and therefore he should not be injured. But, Sir, when an Indian writes such articles which strain the relations between Hindus and Mahomedans who work together in harmony in the City of Bombay, when he is an employee of Government, writes these articles under the direction of his masters, does he serve the good of the country or does he work for evil to the country? If he works for evil to the country, I put it to the honourable members who are in sympathy with him whether

[Mr. B. G. Pahalajani]

Government should retain him in office. Should personal considerations outweigh national considerations? It may be, Sir, that the paper *Times of India* is out of our control; I do not say it is, but the Honourable the Home Member says that is beyond our control. But, so far as the Oriental Translator's Office is concerned, it is within the control of this Council, and if it is within the control of this Council, the responsibility lies on this Council to correct any aberrations that take place in that office. In to-day's article, I have read the quotations taken from certain papers. It will be interesting to know from the Honourable the Home Member whether any of those papers are supplied to the writer by the Oriental Translator's Office or by the *Times of India*. These are all matters which we want to be cleared up. It is for the non-official members to consider whether when Government go out of their way to adopt this procedure, whether in view of the facts that are admitted, Government cannot be misunderstood to be at the bottom of these differences that so often arise among Hindus and Mahomedans. With this statement, I would support the cut that has been moved.

Mr. A. D. SHETH (Ahmedabad District): Sir, I wish to make only a few observations in this connection. I hope it would be readily conceded that these columns,—I mean the "Through Indian Eyes" columns of the "*Times of India*"—to speak quite dispassionately and to take altogether a detached view, are after all a propagandist matter. They do not come out of any specific or expert knowledge of the writer. They are not matters which are meant to educate public opinion in support of some constructive scheme of the Government. They are in no sense matters of any general interest to the public. They are, pure and simple propagandist matters and nothing short of it. So the next question would be whether the Government should countenance such propagandist activity on the part of their servants. To have a little clearer view, I would put the other extreme of the matter. If this Mr. Sanjana writes his articles in the "*Indian National Herald*" in the interests of the national movement or the non-co-operation movement, would the Government countenance it? I submit, Sir, that both stand on the same footing; one is the anti-national extreme, the other is the nationalist extreme. If the Government would not be able to tolerate or countenance nationalist propaganda on the part of their servants, would they, in fairness, be entitled to countenance anti-national propaganda in the "*Times of India*" by one of their servants? That is my question. But this is irrespective of the fact that this propaganda is conducted with the help of the material in the possession of the Government. The Honourable the Home Member has made it clear yesterday that none of the non-Bombay Presidency papers go to the office of the Oriental Translator and probably they might be supplied by the "*Times of India*" to Mr. Sanjana. But so far as the papers of this Presidency are concerned, what have the Government to say? I will quote my own instance, and it is a concrete instance. I edit a vernacular weekly. I have made enquiries in my office, and I have

[Mr. A. D. Shank]

known that my paper is not being subscribed to either by the "Times of India" or by Mr. Sanjana. My paper goes to the Oriental Translator's office and that paper has been quoted *in extenso* by the writer of "Through Indian Eyes". I mean to say, Sir, that my paper has not been given to the writer by the "Times of India" nor has it been subscribed to by Mr. Sanjana in his individual capacity. The paper goes to the office of the Oriental Translator and through that office the paper is being utilised by Mr. Sanjana in the "Through Indian Eyes". That paper is purely a Government property. A paper or a thing which has been sent to Government for Government use is being utilised by that Government servant in charge for his own private ends, meaning to earn Rs. 30 a column from the proprietors of the "Times of India". I consider that this is purely a misuse of Government property by a Government servant which if done by any smaller person may have been taken notice of by Government and the man may have fallen into disgrace, with what results one does not know. I want to enquire, lastly, whether these articles or any of these articles which are continued in the "Times of India" for a large number of years have ever been sent to the Legal Remembrancer for his opinion to ascertain whether they come under section 153 of the Indian Penal Code? There is a considerably strong feeling in this House as well as outside that these writings do fall under section 153-A. I am a regular reader of these columns and I do not want to make a case for this cut when I say that whenever I read these columns my feelings are considerably perturbed and that may be the case and must be the case with a number of people, either members of this House or outside, that these writings do provoke the feelings of the two communities in this country and therefore come quite clearly under section 153 of the Indian Penal Code. And still for these so many years these articles have been appearing in the "Times of India" and Government have never thought it fit to send them to the Legal Remembrancer for his opinion, whether they come under section 153 of the Indian Penal Code. If the articles have not yet been sent to the office of the Legal Remembrancer, it is simply because the writer is under the protecting wings of the Government or the Government do not desire to touch the great editor of the "Times of India". If they at all try to take legal opinion, I am quite sure that instead of the editor of "Nava Kal" (Mr. Khadilkar) the editor of the "Times of India" would have been long ago in his place and committed to sessions in Bombay. I wish even at this stage Government may make sure and take the opinion of the Advocate-General or the Legal Remembrancer, whether these articles at all come under section 153 of the Indian Penal Code.

To summarise, Sir, these "Through Indian Eyes" articles are clearly articles which come under section 153. They are certainly a most nefarious kind of propaganda, and they are prepared with the help of Government property which is exclusively for the use of Government and not for private gains and they are all used for a very mean and hateful purpose of provoking communal discords in the country. If the Government want to defend this man,—the writer of these articles—well,

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the Government is quite capable of doing it and quite in power to do so : but let them not then talk of the very great purity of their service or the eminence of their motives. People would then be entitled to say that Government resort to any means, high or low, to earn a longer lease of their life in this country. With these words I want to support this cut.

The Honourable the PRESIDENT : I have been following the debate up to now and I have a few remarks to make. Though the demand is made technically by the Honourable the Finance Member, I find when it refers to other departments, it is the Honourable Member in charge of the Department who replies to the debate. The Honourable the Home Member therefore can make a statement and give the final reply also as if he had practically made the demand.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support this cut. As regards the gentleman Mr. Sanjana, Sir, I have known him for the last 25 years and I have known his mentality, and I can vouchsafe and can assert without fear of contradiction that this gentleman is inspired by deep feelings of hatred and contempt for both Hindus and Mahomedans. His only occupation and intention is to show that Hindus are great enemies of the Mahomedans and he wants to point out to the Mahomedans that the Hindus are their great enemies, and that there is no chance of a Hindu-Muslim unity, and therefore, your talk of swaraj is pure bunkum. Therefore, he wants to convey and carry on the political propaganda to help Government and to strengthen their hands and to persuade the public that in view of these acute differences between the Hindus and Mahomedans, the best course is to allow the foreigners to rule over us. Sir, we all know the policy of divide and rule. The British have ruled this country by this policy of promoting class hatred and putting Hindus against the Mahomedans and the Mahomedans against the Hindus. And here is a gentleman whom I have known for 25 years, who has made himself a foolish tool in the hands of Government. Sir, this gentleman, day in and day out, is pouring forth his venom of hatred against the Hindus and the Mahomedans in the columns of the "Times of India" and, as you are all aware, the "Times of India" does not want that this country should attain swaraj within the near future, and by all sorts of means, instead of promoting unity between the two sister communities, it always tries to keep the two communities apart, because without that policy of divide and rule the British cannot remain even a day longer in this country. So long as these sister communities are kept apart, so long as you can carry on a propaganda of putting the Hindus against the Mahomedans and putting the Mahomedans against the Hindus Government can go on in this country.

Now, Sir, as regards a laboured defence, I can assure the Honourable the Home Member that he has a very weak case to defend, and that in spite of all camouflage, in spite of all ingenuity and subtlety, he will not be able to defend the action of this gentleman. The Honourable the

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Home Member has stated, Sir, that this gentleman has not committed a breach of any Government Servants Conduct Rules. Now, Sir, I would draw the attention of this House and the Honourable the Home Member to rules 15 and 19 of the Government Servants Conduct Rules. Under rule 15 it is provided that a Government servant may undertake an occasional work of a literary or artistic character, provided his duties do not suffer thereby. Now, Sir, even leaving aside all question of feelings even if you judge this question dispassionately without any feelings, although one is tempted to bring in high feelings in this matter, I ask the Honourable the Home Member whether this Government servant is doing this work in the shape of a literary work or work of a literary or artistic character, whether it falls within the category of work of literary or artistic character. Sir, none but a lunatic will say that this work falls within the category of work of a literary or artistic character. Then, Sir, another rule which applies to this case is rule 19, which reads :

" Subject to the provisions of rule 17, a Government servant may contribute anonymously to the Press, but must confine himself within the limits of temperate and reasonable discussion ; and, if his connection with the Press is contrary to the public interest, the local Government may withdraw his liberty to contribute. When there is room for doubt whether the connection of any Government servant with the Press is or is not contrary to the public interests, the matter should be referred to the Governor-General in Council for order."

Now, Sir, I only just make a passing reference to another article of the same writer in to-day's "Times of India". The first heading is "Through Indian Eyes", and the next heading is very condemnatory, "Humbugs on Public Safety". In this there is a reference made to an allegation that a certain Mahomedan student in the Fergusson College was attacked by Hindu students and there is a reference or an extract from a correspondent who says so, and this gentleman comments that if the Hindu students were attacked by Muslim students, the "Kesari" would have raised a hue and cry, but when Mahomedan students are attacked by Hindu students, the "Kesari" is quite silent. Assuming, Sir,—I have not gone into this incident at all,—assuming that this is a truthful story, the point is this whether this public servant or the Government are promoting unity between the two sister communities. Is it fair, is it right, on the part of a Government servant to inflame the feelings of the Mahomedans and bring to their notice a certain incident of certain boys who may have quarrelled and point out to the Mahomedans, "Look here, you Mahomedans, your Mahomedan boys are attacked by Hindu boys".....

Mr. D. A. JANVEKAR : It is a fact.

Mr. F. J. GINWALLA : I do not know, but assuming that it is a fact, is it not the duty of all leaders of public opinion or the Government not to keep the two communities wide apart ? Assuming that this incident is correct,—I do not know whether it is correct,—what purpose is this gentleman going to serve by telling the Mahomedans that Hindu boys have attacked Mahomedan boys ? The only object is a sinister object;

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to inflame the feelings of the Mahomedans against the Hindus. If you dig out certain incidents, suppose to-morrow certain incidents are taken from some Arya Samajist meeting or some fanatic meeting, and some Hindus and Mahomedans have some differences or disputes, and that incident is quoted to inflame the feelings of Hindus against the Mahomedans or of the Mahomedans against the Hindus, or suppose something is said at a Hindu Sabha meeting, and then a similar incident is quoted, what is the purpose of the writer? Is it going to serve the public interests? Is he serving the public interests? I ask, what is the motive of the writer behind his mind? If he only stops at that, it is a different matter; but, day in and day out, he is trying to point out the defects of both the communities, and the only reasonable inference is that he has a sinister motive. Such work has been countenanced by the Government, and I ask the Honourable Ministers and the Indian Members of Government what steps, as Indians, they have taken to stop this propaganda which is going on day in and day out against Indians. He wants to show by the whole of this propaganda, Sir, that there can be no swaraj, there can be no Hindu and Muslim unity, there can be only Muslim raj or there can be Hindu raj, but there cannot be swaraj. And, therefore, he says, there is not the slightest chance of the Hindus and Mahomedans making up their differences and, therefore, the best course for Indians to follow is to allow this foreign Government to continue as hitherto. That is the aim he has, and I know him personally for years and he boasted to me, after the Council questions were put in regard to this matter, and told me, "What has your Council done to me?" This is his challenge and his boast which he gave with a certain amount of glee. If such officers of Government are allowed to flout the wishes of the House and to injure the feelings of Hindus and Mahomedans and if a responsible officer of Government comes forward to defend his conduct and says that that conduct does not constitute a breach of the Government Servants Conduct Rules, it is high time that it should be stopped, that this open defiance which constitutes a great menace to society should be checked. I ask the Honourable the Home Member whether Government say that the criticism which that officer offers is within the limits of temperate and reasonable discussion. Nobody can say that this particular gentleman is limiting himself within the bounds of reasonable and temperate discussion.

The next question is whether it is in the public interest. I say that if the Home Member was an Indian he would not have allowed this propaganda for a minute. If the Government was an Indian Government, they would not have dared to allow this propaganda against their own countrymen. I want to know what the Indian Members of the Bombay Government have done to stop this propaganda. In any other country, this man would be regarded as a traitor to his country, but it is only in this country that Government is seen upholding and protecting him. That shows that the Home Member should be an Indian who will have the mentality to defend attacks on Indians.



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The next point is this, it is absolutely clear that this continued propaganda, this dirty propaganda, of putting community against community and inflaming the minds of Hindus and Mahomedans, is not in public interest but it is directly opposed to public interest. I would ask the Honourable the Home Member to state whether in his judgment this propaganda is very innocent, whether it is temperate or reasonable or whether it is not contrary to public interest. I would ask him to state whether the officer concerned does not come within rule 19 and whether there is no breach of Government Servants Conduct Rules. He may go to the length of saying that it is not against public interest.

My next point is that when there is any room for doubt as to whether the action of that public servant is or is not contrary to public interest, the matter should be referred to the Governor General in Council for orders. I ask whether this matter, which is directly against public interest, has been referred to the Governor General in Council for orders. There was an impression that Government had deliberately not taken stringent measures and rounded up Mawalis at the early stages of the riots in Bombay deliberately with a view to point out the differences between Hindus and Mahomedans.

The Honourable the PRESIDENT : That is irrelevant.

Mr. F. J. GINWALLA : They were not called just to make out a case for the Simon Commission. There is a feeling in the public mind that stringent and strong measures were not taken in time deliberately. Therefore, I say that the post of the Home Member should be held by somebody who is not an interested party and he ought to be an Indian.

A public servant may be directly engaged in an innocent propaganda, in writing literary articles, in writing a book, but not in writing articles which set the Hindus and Muslims by the ears. I ask the Honourable the Home Member whether that includes sinister political propaganda. If this gentleman is fond of political propaganda, then I ask him in all seriousness to give up his job and to join the ranks of the "Times of India" as a journalist and then we can meet him. But so long as he is in the service of Government, it should be the duty of the Honourable the Home Member and Government to stop any such political propaganda carried on by a Government servant. If they want his services, let them engage him in some indirect way. If they think this man is a very intelligent fellow, if he is a convenient man for them, let Government subsidise the "Times of India" and get this man engaged by that paper to write whatever matter he likes to produce. There cannot be one policy for one government servant and another policy for another government servant. I once again ask Government to state whether they have referred this matter to the Governor General in Council for orders, and whether the Indian Members of the present Bombay Government were consulted by Government and, if so, what did the Indian members say? What have they done? I say it is the greatest commentary upon the dyarchy. Dyarchy stands condemned. Even if a censure motion were to be passed by this Council, what is going to happen? The Honourable the Home

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Member is not going to resign. This House is not able to control the actions of the Home Member. If he had been made amenable to the vote of the Council, he could not have stood up and said that the action of the Assistant Oriental Translator was absolutely innocent and that there was no breach of Government Servants Conduct Rules. This gentleman stands condemned by his writings and this House must show emphatically its disapproval of both the officer and the Government which is supporting his action.

The Honourable Mr. J. E. B. HOTSON : Mr. President, to begin with, I desire to correct a misapprehension. The "Times of India" is not a Government organ, it is not subsidized by Government, it is not assisted by Government, it is not patronised by Government, it does not express the views of Government. The editor of the "Times of India" is as proud of his independence as the editor of any newspaper in this country or anywhere, and if he were here to-day, he would repudiate the insinuation that he is in the pay of Government, as warmly as I do. How, after reading the recent articles in the "Times of India" on the disturbances in Bombay, any honourable member of this House could for a moment profess to believe that the "Times of India" represents the views of Government, I entirely fail to conceive. I think any one who can entertain that delusion is quite capable of getting up tomorrow and saying that I was the person who wrote the articles about the laxity of Government during the riots.

There is another point I may just inform the House about at this stage. Until a very short time ago, I had not the very slightest idea who was the author of these articles. When an honourable member says that the writer was subsidized by Government to write these articles, he is making a definite misstatement. Government not only did not encourage him, they did not even know who was writing the articles until very recently.

As to the merits of the proposed cut, I think it is rather unfortunate that this discussion has been raised on a motion for a cut of not less than Rs. 8,000. Such cuts should, I believe, under your ruling, if I have understood it correctly, be supported on their merits. No honourable member, who has yet addressed the House, has suggested for a moment that the office of the Oriental Translator is over-staffed. No attempt to support the motion on its merits has been made at all. Even if we were to dismiss the writer of these articles, it would be necessary to appoint somebody in his place to do his work.

An Honourable MEMBER : Do it.

The Honourable Mr. J. E. B. Hotson : Now, if these Rs. 8,000 were cut from the budget, a sum which is substantially more than the whole of the pay of this particular officer, it is obvious that we should not have funds with which to carry on the work of that office. It would, therefore, have been very much better, in my humble opinion, if this debate had been raised, as my honourable friend Mr. Nariman said he intended to raise it, on his own motion for a cut of one rupee. I trust therefore

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that the honourable member who has moved the cut, when he has heard what I have to say, even though, as appears probable, he may not entirely agree with all of it, will see his way to withdraw the motion, after having ventilated the grievance which he desired to bring forward.

The attack on the series of articles called "Through Indian Eyes" has been based on two grounds, the first that the writing of these articles constitutes an offence against the Government Servants' Conduct Rules, and the second that the articles themselves are bad and wicked and contrary to the public interest. I will deal first with the former of these grounds, the question whether they are contrary to the Government Servants' Conduct Rules. And here I would remark that the honourable mover of this motion showed, if I may say so, very slight regard for the dignity of this House or for the proprieties of debate when he alleged that these articles were contrary to rules of which he admitted he did not know the purport. The rules are in the Council Library. They were as accessible to him as to me or to any other member of this House. If he had chosen, he could perfectly easily have assured himself of the contents of those rules, but he did not do so. My honourable friend Mr. Nariman did. I thank him for having brought the debate back to more reasonable lines. He has referred to the relevant rules, although I think that in some respects his eminent forensic ability has not been well directed in their interpretation. The chief rule which is relevant is No. 19, which says :

"Subject to the provisions of rule 17, a Government servant may contribute anonymously to the Press, but must confine himself within the limits of temperate and reasonable discussion ; and, if his connection with the Press is contrary to the public interest, the local Government may withdraw his liberty to contribute."

Whether this rule applies or does not apply therefore depends upon the question whether, in the opinion of the Local Government the particular articles are contrary to the public interest or not and whether they are confined within the limits of temperate and reasonable discussion or not. That is the main point to which I shall return in a moment. But if we assume for the moment that there is no valid objection to the articles in themselves, then there is no other of the Government Servants' Conduct Rules against which any offence whatever has been committed. The other relevant rule is No. 17, which says :

"A Government servant may not, unless generally or specially empowered by the local Government in this behalf, communicate directly or indirectly to Government servants belonging to other Departments, or to non-official persons, or to the Press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise."

Now, the writer of these articles has not offended against this rule. The newspapers from which he has quoted have all been provided to him by the "Times of India."

Mr. B. G. PAHALAJANI : That makes it worse.

Mr. A. D. SHETH : No, not all.

The Honourable Mr. J. E. B. HOTSON : The honourable member quoted the case of his own paper. I venture to suggest that it is possible to buy that paper in Bombay, if you happen to want a particular copy. But the "Times of India" has definitely informed Government that they subscribe for all the papers which have been quoted in this series of articles, and I think you can take that as a true statement. The writer of the articles, therefore, has not made use of the papers which were entrusted to him in the course of this official duty, nor has he written the articles during his hours of duty. I would point out that a very large proportion of the articles from which he has quoted appeared in papers which are not published within the bounds of this Presidency, and which therefore do not come into the Oriental Translator's office at all. We happened to look through four of these articles. They were not chosen or selected for any particular purpose; they simply happened to be there. There were 15 papers quoted in them. Nine of those papers belong to other parts of India, and only six to this Presidency. As regards those nine, it is quite obvious that he did not get them in the Oriental Translator's office. Even as regards the other six, the rule has been misinterpreted. It applies to information obtained by any officer in the course of his official duties, which he would not in the normal course have obtained otherwise. In particular, although the words are not used, it is obviously intended to apply to information of a confidential nature. It does not apply, it could not apply to information received from reading a newspaper which is published for any one in the world who desires to buy at the cost of one anna or less. I would ask you just to think for a moment of some analogous cases. Supposing an officer, in the course of an enquiry into some dispute about an old Inam grant in the Southern Mahratta Country, were to come across some interesting item of historical information which is not generally known; supposing he were to note it and afterwards were to include it in a book which he published, would anybody say that because he had come across that information in the course of his official duties, he was offending against this rule?

An Honourable MEMBER : This is propaganda.

The Honourable Mr. J. E. B. HOTSON : That is not the point. It has nothing to do with propaganda. The question is whether he has misused information which he has obtained in the course of his official duties. Another officer travelling in Sind comes across an unknown inscription, copies it, and publishes it in a learned journal. He gets credit for doing that; he is not blamed for it. If another officer, years afterwards, describes a battle with dacoits in which he took part and publishes an interesting account of that in a magazine, that is not an offence against this rule. Yet all those three are instances in which the officer has gone far nearer offending against the spirit of this rule than the writer of these articles, because my imaginary author has used information which he could not have obtained otherwise than in the course of his official duty, whereas the person who writes these articles had only to pay one anna for a copy of the paper required. I may add that this particular officer has on several occasions been on leave. The articles have not ceased while

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he was on leave. He has not gone to the Oriental Translator's Office and got the papers there, but the articles have continued. While on this point, I should like to refer to the remark of my honourable friend from Sukkur. The accusation was brought that this man was making use of official information. I told the House that he was getting the papers from another source, and that they were not official papers. My honourable friend Mr. Pahalajani cried out "That makes it worse." The offence is disproved, and the fact that it is disproved, in the eyes of my honourable friend, makes it a worse offence. Is it possible for anybody to deal with criticism such as this ?

My honourable friend Mr. Nariman referred to rule 15. I need not read it at length. It refers to editors, publishers and managers of papers. Mr. Sanjana is not a part-editor or.....

Mr. A. D. SHETH : He is editing that column.

The Honourable Mr. J. E. B. HOTSON : He does not edit any column.

Mr. K. F. NARIMAN : He is participating in it.

The Honourable Mr. J. E. B. HOTSON : He does not participate. He is merely a contributor just as a large number of members of this honourable House and quite a number of other Government officials have from time to time contributed to the *Times of India* and other public organs. (An Honourable Member : This particular section is edited by him.) Then, the honourable member Mr. Nariman airily said that there were other rules that would apply. He did not quote them. We know Mr. Nariman very well. He is far too experienced a lawyer to fail to quote anything which he thought would support his case. From the very fact that he has not quoted them we can be certain that they do not apply to this case. The result of the analysis of these rules is that the articles known as "Through Indian Eyes" are not contrary to any provision of these rules, unless we believe them to be contrary to public interest.

Now, that brings me to the merits of this particular case whether these articles are bad or not. We are told that they foment communal feeling and inflame hostility between different sections of the people. Do they do so ? Who are the readers of the *Times of India* ? They are educated people. We have been told repeatedly that there is no communal feeling except among the Mawalis and *badmashes*. Do Mawalis and *badmashes* read the *Times of India* ?

Mr. B. G. PAHALAJANI : Is not the *Times of India* read by many people in Bombay ?

The Honourable Mr. J. E. B. HOTSON : It is read by many educated people. Now, we must agree that even if communal feeling is not found only among the ignorant, it is certainly far keener among the ignorant than it is among the more educated. As education increases, broad-mindedness increases alongside of it. (An Honourable Member : Do Government endorse these views ?) Therefore it is reasonable to anticipate that subscribers to the *Times of India* when they read these

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articles will not be infuriated or made more bitter by them but will read them in a dispassionate spirit. (Interruption) Let us consider what these articles are. They are a series of extracts from articles which have already been published elsewhere. My honourable friends protest against the publication of those articles in the *Times of India*. May I ask whether any of my friends have protested against the original publication of these articles? (An Honourable Member: Repetition is an offence also.) Surely the original publication is a worse offence than the republication of a part. There are many newspaper editors and publishers on the other side of the House. May I ask whether any of them have protested in their newspapers against the scurrility and obscenity of many articles that are appearing in the Indian papers at the present time. (Mr. A. D. Sheth: Of course.) Let me admit that two of my honourable friends, Mr. Petit and Mr. Marzban, whom I do not see here, have occasionally served the public interest in that way. But I am not aware of any other paper which has done anything at all in this direction. (An Honourable Member: It is your fault and not our fault.) If anyone wants to cure the festering sore which exists under the surface (Mr. N. A. Bechar: Which you are encouraging), he must protest against the obscene and libellous articles which appear in the newspapers which belong to his own friends. (An Honourable Member: I do that.) It is not enough to protest against the writings of members of the other side. It is useless for us to hide our heads in the sand like the ostrich. Very many abominable articles are written and published in every part of India to the disgrace of India. (An Honourable Member: Because it is published, you justify it.) When there is an evil the way to correct that evil is not to hide it but to expose it. It is only when it is brought to the public notice (An Honourable Member: And therefore to repeat it) and when public opinion is roused against that evil there is any hope of correcting it.

Now, I am not in the secrets of the writer of these articles. Before I knew who he was, I believed that he wrote them from a sincere desire to improve the tone of newspaper work in India. (An Honourable Member: A great patriot.) I still think that it is the case. I still believe that any fair and impartial man who reads these articles will be convinced that they could not inflame communal feelings, but on the contrary would bring about a wider understanding and sympathy. If the reader is hurt by a reference to something he venerates in one line, he sees that a similar insult has been offered to his neighbour of the other religion by his own friends in the next line. In this way he will be induced to assist as much as he can, in putting an end to this evil.

There are several other minor points which I may have to deal with later on. I have given the reasons for which Government have decided to take no action against the writer of these articles, because they believe that their motive is good and their effect is good. That being so, there has been no offence against Government Servants' Conduct Rules and Government have had no reason to make any enquiry or to take any action.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Addressed the House in Urdu: Mr. President, I rise to support the cut moved by my honourable friend Mr. Swaminarayan. The Honourable the Home Member has defended these articles and said that they are articles meant for the educated people and the poison will not affect them. But most of the elected members have objected to these articles and the House has resented it. Although these articles are translated in the Oriental Translator's office they are sent to the *Times of India* for publication, and yet Government say that they would not take any action against the writer. I wish to tell honourable members of Government that we have lost all faith in them. During the course of this session, Government have been defeated twice on matters of policy. And my honourable friend Mr. Nariman says that even if they are defeated 100 times yet the members of Government concerned will not resign. No. They will stick further like gum. I ask my honourable friends of this Council, Europeans and Indians, on the Government Benches, whether they will earn even 1/4th of what they are getting by sticking to these jobs I am reminded here of the saying of a poet:—

کل ہم نے کہا تھا یاردن سے اللہ نہیں تو کچھ بھی نہیں -  
 یاردن نے کہا یہ قول غلط، تندخواہ نہیں تو کچھ بھی نہیں

I told my friends that God was everything and besides Him there was nothing.

The friend replied "No. This talk is false:

"It is salary that matters: Salary is everything."

Perhaps honourable members opposite believe in that friend. I maintain that the propaganda carried on in the *Times of India* is not for the good of our country. It is propaganda in favour of the agents of British Government in India who want to create differences between Hindus and Mussalmans. I therefore appeal to my Mahomedan friends in this Council to stand as one man and support this cut and thus show that Hindus and Mahomedans are united.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Mr. President, the issue raised by this motion is a very simple one and at the same time a very grave one. History will record these steps that Government are taking to-day so lightly and pleasantly. The issue is grave and serious because it is whether Government are to encourage such dissensions between the two important communities in this country by allowing an officer in the Oriental Translator's Office to deliberately create—as is represented by this side of the House—ill-feeling between two communities by publishing extracts from certain newspapers. I am not going to deal with the rules, because I accept what the Honourable the Home Member has told us, that these articles do not fall within the rules. But I would point out that it is the Honourable the Home Member who has to interpret these rules and take action. We must always see the object

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of these rules made for the conduct of Government servants. The intention of the Government, as has been declared even by His Excellency the Governor, is that the relations between these two communities should not be disturbed. Even if the Government servant concerned is writing these contributions out of his office hours, is it fair that that servant should be allowed to make such contributions in view of the fact that this side of the House believe that they create troubles? If Government continue to allow him to contribute these articles, it is going to be disastrous both for the rulers and the ruled in this country. The *Times of India* may not be a subsidized organ of Government. I do acknowledge the fact that the *Times of India* is not an organ of Government. At the same time, I do not think any one will forget that the *Times of India* takes upon itself the very great responsibility of always supporting the Government, and that is why people take the view that the *Times of India* is supported by Government. It may be that there are rare occasions when the *Times of India* has taken a fair attitude towards the Indian public in commercial, industrial and political issues. After all I do acknowledge that the *Times of India* is not a subsidized organ of Government, and it is as independent as we in this House are. But certainly the policy of the *Times of India* has been of late to create ill-feeling between Hindus and Mahomedans. Perhaps that paper is believing that by encouraging such feelings it is helping to lengthen the rule of Great Britain in this country. Every one will admit that this country has its own legitimate aspirations, as well as other parts of the world, and that such aspirations are going to affect the interests of Great Britain in this country. As we see, the policy of the *Times of India* has been of late to divide these two communities: we have seen several articles to that effect. The honourable member who represents the Bombay Chamber of Commerce—he is absent from the House now—to my pain ridiculed certain arguments of the honourable member Mr. Ginwalla who supported the cut. Whether he is a Hindu, Mahomedan or Englishman, it will never pay a merchant if there is disturbance of the peace. Peace is the most important factor in the development of trade which depends on the prosperity of the country. Even in this small matter Government have shown their little-mindedness. I expected Government to make a statement that they did not support the policy of dividing the two communities. The Honourable the Home Member has gone to the length of justifying the action of the writer of these articles which appears under the heading of "Through Indian Eyes". I say it is not a broad-minded policy, but a narrow-minded policy, that Government are pursuing, and for this the Government will have to suffer more than the country. Empires are never built on the dissensions of the communities over which they rule. Empires are never maintained on these principles of divisions, but empires are built on the contentment of the people, which is the main point made in the announcement of the late Queen-Empress



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Victoria. The contentment of all the different communities of this country led to the development and the progress of the government and of the country, for a certain number of years, but I see that since the last Reforms it has been decidedly the policy of Government to see that they can only continue by these divisions among the different communities by votes at any cost. And this is one point—a very small point—which I want to stress upon Government, and I hope that Government will not be so bankrupt of statesmanship as not even to agree to this suggestion and to follow a broadminded policy, and to see that such things are never encouraged. On the other hand Government suggest that these honest and outspoken criticisms will create better feelings among the different communities. But are they honest and outspoken criticisms? I doubt it. I think the real object of these articles is to follow the policy of more division. Such divisions may be palatable for the time being, but the results of these divisions will not be palatable as Government have seen recently. It is very hard for Government to face the effects of these divisions. I only hope that Government will still consider and that they will express in very definite terms that they do not associate themselves with the policy of the government servant contributing on such subjects and that they would not tolerate any Government servant participating in or even contributing articles to, the press. I do not quote the exact words whether he has been editing or not, but he has been contributing articles to the *Times of India*. So long as a servant of the Government, whether he belongs to the Home Department or any other Department, is encouraged to write these scurrilous articles in the press, is such policy of Government going to pay Government or the country or is it going to depreciate Government internationally or worsen the relations among the different communities of this country? For these reasons, Sir, I hope that Government will show more of commonsense and more sense of responsibility which alone is going to develop more cordial relations between the two communities, and not the present policy of Government. I certainly believe that the Government are following a dangerous policy. They might have been driven to these things owing to the reforms, but they must in that case be very outspoken and say that they are driven to these things because the sensible section of the people does not support them. Do they suppose that they can rule for ever with these divisions? Let them think for themselves the consequences of these things. Another point that the Honourable the Home Member stressed was that the *Times of India* is read by intellectual persons only. Well, I do agree with him that it is read by intellectual people and not by riff-raff and *mavalis* but at the same time I must say that human nature is human nature. Intellectual people are not always sages or saints and they are also led away by ideas put into their brains by sources like these, and I will not be surprised that intellectual persons of any community will be influenced by these communal views and by these views of divisions that are placed always before their eyes. It is the intellectual force which drives the ideas into the *mawali* element. The *mawali* element certainly is moved by the intellectual forces but the

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intellectual forces are more affected by these ideas which certainly go through intellectual persons and not directly to *mawalis*. They never read these articles of the *Times of India* but the effect of these articles is on the intellectual persons who, as I have told you, are not sages or saints and it has effect on the disturbance of peace. Now, I ask Government, is the disturbance of the peace desirable to any Government? Do you want to create the disturbances by encouraging such officers to contribute in their leisure hours? I may point out that the leisure hours are obtained by the service under Government. Leisure hours are not their own; the leisure hours are also paid for by Government by giving the servants leave on pay and by all sorts of facilities which a Government servant is entitled to and any human being is entitled to. It is not to be used for purposes which are going to disturb the equilibrium of any part of the country by their actions, and if Government honestly believe that these actions are going to disturb the peace of two important communities, is it not fair and honest on their part to give an assurance that they will stop any encouragement in this direction and that they will always take necessary steps not only in this department but in every other department and see that Government servants are given better lessons by preventing them from doing these things. On the other hand I find that the Honourable the Home Member is going to take the brief for the writer of these articles. This will not only encourage more divisions, it will not only encourage these communal differences among the people, but even in this House there are instances where communal claims are brought forward. I say, Sir, that Government are not so bankrupt in statesmanship and hope they will show more commonsense and will deprecate such a policy on the part of any Government employee who tries to create disturbance in the feelings of these communities. With these words I support this motion and hope that Government will come forth with an assurance to this House that they do not encourage this policy, that they will take action to see that these actions are not repeated by any Government servants. At least Government should openly declare that they do not desire to pursue this policy of divisions among the different communities.

Rao Bahadur R. R. KALE (Satara District): I have no desire to take more time of the House after the discussion of this motion but I wish to make a few remarks and place them for consideration before the Honourable the Home Member and the other Members of Government. Now, Sir, the Government of a country is brought into hatred or contempt by the actions of its servants. I know in this country especially it is the case with the police officer. Government never for a moment approve of their actions, but if an officer acts in a certain manner which is likely to bring Government into contempt, the people will regard the action of the subordinate officer as the action of Government. Now in this matter what seems to me is happening is this. The Honourable the Home Member himself stated that much of the matter which is contained in the extracts is really of an obscene or scurrilous nature and he also said that nobody has protested against the writings or the

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writers of these articles. I admit it. But those papers from which these kinds of articles are culled are very insignificant. Are they ever read? They hardly attract the notice of the people in general, but when you find a weighty and largely circulated paper like the *Times of India* containing these things, it is certain that very wide publicity is given to this kind of obscene matter. Now it was stated that the paper is read by the educated class. I have some experience of the student world, of how they are led away when they read things of this kind. Although it may be in the course of receiving education, they are certainly led away by reading matter of this kind. Now, Sir, I know the Honourable the Home Member stated that it is a good thing to expose these things. While it may be so, the point at issue here is whether it should be tolerated when it is known. So long as it was unknown, so long as we did not know that anybody connected with the Government had a hand in the writing or composing of these articles, so long nobody would have said that Government was in any way to blame. But now that it has been made public property, it has been so widely talked about, the thing assumes a different aspect. Government no doubt say it may be better to expose certain things and there is nothing wrong in it. I would have no objection to that. But the fact is, and even the last speaker who preceded me said, unless Government dissociate itself from this writer, in the sense that it is not the business of a Government servant to do this and so long as Government allows this to be done,—I do not say Government has employed him or Government has told him to do it—far from it—but it so happens that he is doing it and even those who read minutely and carefully the result of this discussion even in this Council will come to think that Government never approves of this kind of literature which is spread through a weighty paper like the *Times of India* but the impression that will be created on the large public will be that, as a matter of fact, Government does not dissociate itself from it, and hence it is we have heard an expression of opinion that it is Government itself who set people by the ears, who want to encourage communal feelings, who want to encourage the fracas between the two communities. That is a kind of thing which I am afraid even from the Government point of view is not desirable, and it is from this angle of vision that Government should look at this question. I do not say, as I have already stated, that the Government directly encourage this. We need not go so far. But what is the general impression created in minds of the reading public? That is the point to be considered. No doubt the Honourable the Home Member declared his disapproval of these articles, because he said the articles were such that everybody ought to protest against the original writers. I admit that it ought to have been done, but, as I say, the writers of those original articles are too insignificant, too unknown, even to be noticed by any people. Therefore, now as the matter has leaked out and has become public property as to the person who has been writing these articles, Government should really warn the public servant who does it to dissociate

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himself from such a kind of task, because even if it be an individual action of a man who is not actually infringing the rules, but it is the action of one of its servants which is likely to bring the whole Government into hatred or contempt so far as the general public is concerned, and it is for this reason that I would appeal to the Honourable the Home Member to take steps to dissociate Government from this gentleman. However good intentioned he may be,—if his motive is really to expose things, it may be a good motive,—but it is being understood in a very different light, and because Government is likely to suffer in the estimation of the public, I hope the Honourable the Home Member will see that this writer, and not only this writer but even some other writer, may not do it. And so far as the Government's own servant is concerned, Government should come forward and dissociate itself from all this and they should also see that he ceases to carry on this kind of propaganda.

Mr. D. A. JANVEKAR (Bijapur District): Sir, I rise to oppose the cut. (Dr. M. K. Dixit: Hear, hear.) (Mr. F. J. Ginwalla: Hear, hear.) I know, Sir, these interruptions from the honourable members here won't stop me from saying my views or giving my opinion.....

Dr. M. K. DIXIT: We are encouraging you.

Mr. D. A. JANVEKAR: I thank you for that. First of all, I say, Sir, that as far as I can see from the Government Servants' Conduct Rules, Mr. Sanjana's conduct does not come within the purview of these rules. I think, Sir, Mr. Sanjana is doing a good service to the community; and not only to the community, but to the whole of India, because he is placing all the views side by side before the public, the lazy public, or the idle people, who are not going to the libraries or reading all these small newspapers or vernacular papers. He is placing the views of all these vernacular papers side by side before the eyes of the public, so that they may guess, they may see, what is happening in this world and they may look to the conditions of all these communities. Much has been said, especially by my honourable friend Mr. Baloch, that it is the duty of Mahomedans to see that there is unity with Hindus and to help the Hindu community in getting swaraj.....

Mr. F. J. GINWALLA: You don't want it. Do you?

Mr. D. A. JANVEKAR: Well, as long as there are such things, I do not want swaraj here. (Khan Saheb A. M. Mansuri: In this House or outside?) (Dr. M. K. Dixit: But who is going to give it?) Much has been said that by these articles "Through Indian Eyes" enmity is being fomented or encouraged between these two communities. I say, Sir, no. There is no enmity fomented by these articles amongst these communities, namely, Hindus and Mahomedans. It is the action of the Hindu community or the other community which is creating any hatred or ill-will in the minds of the other community. What is creating enmity is their action and not these writings of this man "Through Indian Eyes." Sir, no one has taken care up till now to say a single

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word about the articles published in the vernacular papers originated by most of the Hindu gentlemen who are editors of those papers. The blame is being thrown on the educated Mahomedans. It is said that educated Mahomedans are the leaders of those Mawalis, and especially just now my honourable friend Mr. Lalji Naranji said that the educated Mahomedans take these facts to those Mawalis and they....

MR. LALJI NARANJI: I may correct the honourable member. I never said that.

The Honourable the PRESIDENT: Order, order. I would not desire the honourable member to enter into a discussion which is not before the House, that is, the relative feelings of one community towards the other. The question before the House is whether these articles have that effect, namely, the effect of affecting the feelings of one community or the other, and the honourable member Mr. Lalji Naranji did not say that the educated Mahomedans were influencing the Mawalis. What he said was that the educated public read those articles and that portion of the educated people were, after all, human beings, and they sometimes, whether Hindus or Mahomedans, may carry those things to the Mawalis and the Mawalis may be influenced thereby.

MR. D. A. JANVEKAR: Well, Sir, if that be the case, I correct myself. If the educated people, either the Mahomedans or the Hindus, carry these things to these Mawalis and thereby encourage those Mawalis or other followers of those communities to create hatred amongst these two communities, is it not the duty of these leaders of both the communities to bring about a compromise after going through all these articles? Instead of doing that, the so-called leaders of these communities keep silent. They want to criticise innocent men, only because they want to get applause by making speeches only on the platform and nothing else. It is the duty of every leader, after reading all this criticism published in each and every paper, to try his best to pacify the desires of these communities and to try his utmost to bring about harmony between these two communities. I want to request my non-Muslim, non-Christian and non-Hindu honourable friends who said so much about the ill-feeling between these two communities, to try their best to advise the so-called Hindu community to bring about harmony among their own communities first and then to give the Muslim and other communities advice to bring about harmony.....

MR. B. T. DESAI: What is meant by the "so-called" Hindu community?

MR. D. A. JANVEKAR: It means that there are 24 crores of Hindus.....

The Honourable the PRESIDENT: The honourable member is digressing.

MR. D. A. JANVEKAR: There are divisions in the Hindu community, there are the depressed classes, the Brahmins, the Non-Brahmins, the Chitpavans, Deshasthas, Karhadas,.....

The Honourable the PRESIDENT: All that is irrelevant and the honourable member must come to the point. I have already ruled that out.

Mr. D. A. JANVEKAR: All these articles contributed by Mr. Sanjana do not, in my opinion, create any enmity amongst the two great communities of India, the Hindu and the Muslim, but they are helping to safeguard the interests of each and every community.....

An Honourable MEMBER: The honourable member is not influenced by those articles.

Mr. D. A. JANVEKAR: I am not influenced and I will advise my honourable friends and leaders of both communities not to be influenced by these articles as they anticipate that other people are being influenced and creating enmity amongst these communities.

One of my honourable friends here has requested Government to take action or strong steps against Mr. Sanjana for his conduct in writing those articles. As I have stated Mr. Sanjana's conduct does not come within the purview of Government Servants' Conduct Rules, especially the rule quoted by the honourable member Mr. Ginwalla, rule No. 19. I am a layman. I am not a lawyer. I do not know to twist the wording of the rule just as I want. I request Government not to be led away or frightened by the words of the opposition, and I request them not to take steps against either Mr. Sanjana or anybody else who may be doing such a sort of service to all communities by giving opportunities to some of the sections who never care to go to libraries and to read all other papers. With these remarks, I oppose this motion.

Mr. LALJI NARANJI: I move the closure, Sir.

Mr. HOOSEINBHOY ABDULLABHOY LALJEE: I wish to speak for five minutes only, Sir.

Rao Saheb D. P. DESAI: I move the closure, Sir.

The Honourable the PRESIDENT: I accept the closure. The mover to reply.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I did not even for one moment imagine that Government would come forward to defend the conduct of this officer but the Honourable the Home Member has tried to defend his conduct in its entirety.

The first question I wish to ask is, whether the gentleman who is doing this work is a part-time or a whole-time servant of Government. I believe he is a whole-time salaried servant of Government. Such whole-time servants of Government are not allowed to do any other occupation which would remunerate them in addition to the pay they get. Government think that the energy of their servants should be wholly utilised for the work for which they are engaged. I would mention the instance of school teachers who get about Rs. 15 to Rs. 20 per month. If they want to add to their income by taking private tuitions which might give them Rs. 4 or Rs. 5 per month extra, they have got to seek the permission of Government without obtaining which they cannot engage in any such outside occupation. In the present case, Mr. Sanjana is a whole-time servant

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of Government and is allowed to contribute to the *Times of India* and write articles regularly. It was contended that he was not the editor of that paper, but I think he is practically the editor of the columns which contain the articles appearing under the caption "Through Indian Eyes." Also it was stated that his motive was good. Supposing the motive is good, that is to say, he wanted to clear up misunderstandings between Hindus and Muslims, in other words, if the festering sore of communalism was to be healed by the publication of translations of the most virulent press of the whole country, why not apply the same standard to seditious articles? Why not allow Mr. Sanjana to publish translations of seditious articles side by side with replies from Anglo-Indian newspapers? Would Government permit him to do that? I think, not, because they will say that that is not in the public interest. Rule 19 of the Government Servants' Conduct Rules states, I think, that if his connection with the press is contrary to the public interest, the local Government may withdraw his liberty to contribute. At that time they will at once say that it is not in public interest. Do Government think that the publication of such articles which keep up the sore of communal hatred alive is in public interest? If they do not regard his activities to be in public interest, they should withdraw his liberty to contribute such articles to the press. If they do not do so, then it certainly would mean that they approve of his activities in contributing such articles to the public newspapers.

One argument that was advanced by the Honourable the Home Member is that educated persons read the *Times of India* I think that cannot defend the conduct of this gentleman at all. I think what the Honourable the Home Member meant was that these vernacular papers are read by *mavalis* and other people, and they may be inflamed by the writings in those papers, but educated people of course are not likely to be influenced by reading the translations, or educated persons are at least away from communalism, as the Honourable the Home Member put it. But the fact is that by reading these articles, they might also have the cancer of communalism bred in them. The whole government is based on communalism; communalism has been established, and everywhere in Government service, in the matter of appointments in small and high offices everything is going on a communal basis; consequently, Government want to keep alive this festering sore of communalism, so that their position may be secure. There is one more point to be mentioned. The *Times of India* is being read in England, and if the readers of the *Times of India* in England always read such articles, what would be the impression produced on the people living in England? They would certainly understand that in India these two communities are flying at the throats of each other, and they will say that therefore no further advance in self-government should be given to India. That must be the impression prevailing on the British electorate. Unfortunately, just now, whatever advance is to be made in this country is to be made according to the will of the British Parliament, which means the British people. What would be the effect if the British public is made to read such articles which contain nothing but a picture representing high

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tension between the two communities ? I think, therefore, the argument that educated people are readers of the *Times of India* is no argument in defence of this action. There is also one other point. It was said that rule 15 of the Government Servants' Conduct Rules says that a Government servant may undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby ; but the Government may, in its discretion, at any time forbid him to undertake or require him to abandon any employment which in its opinion is undesirable. I think this work is undesirable, and unless Government are absolutely insane, unless Government want to create a feeling on this side of the House or in the public outside that they want to keep this state of communal disorders alive in the country, and unless Government are at the bottom of fostering communal hatred, unless Government want to give way to the creation of that impression, Government would be well advised to forbid this gentleman from doing the sort of work which he is doing. If they do not want to do that, if they want to defend him, if they want him to continue to contribute this series of articles to the *Times of India* or if they allow any other Government servant to do that, then we shall firmly believe that Government is at the bottom of all these communal disorders that are going on in this country.

The Honourable Mr. J. E. B. HOTSON : Sir, to begin with, I would most heartily associate myself with the views of the honourable member Mr. Lalji Naranji. Government do not advocate and do not adopt the policy of divide and rule. Government have never done so in this country.

An Honourable MEMBER : Question.

The Honourable Mr. J. E. B. HOTSON : Every effort of Government has been to promote as far as they could the unity of this country with a view to her progress towards her proper place in the comity of nations. On the particular point whether these articles have been against the public interest, the honourable member Mr. Lalji Naranji and I may not agree, but I can assure him that if he could persuade me, or if he could persuade the other Members of Government that these articles were doing a public harm, we should be the first to put a stop to them.

Now, my honourable friend from Satara (Rao Bahadur Kale) very rashly said that the papers from which these articles are quoted are unimportant.

Rao Bahadur R. R. KALE : Most of them.

The Honourable Mr. J. E. B. HOTSON : I have a list of 8 papers—it is not an exhaustive list but compiled from material which chanced to be at hand from which articles are quoted. They are the *Roznama-i-Khila-fat*, the *Mahratta*, the *Insaf*, the *Hindutva*, the *Sanj Vartaman*, the *Nava Kal*, the *Kesari*, the *Indian National Herald*. Are these newspapers so unimportant that the articles published in them are not read by anybody and receive no public attention until extracts from them are republished in the *Times of India* ? Now, some honourable members have suggested that the *Times of India* should be prosecuted



[Mr. J. E. B. Hotson]

for these articles. We have not taken the opinion of our legal advisers on that question, because we have been quite satisfied that the articles have kept within the bounds of legitimate criticism and that there has been nothing in them to bring the paper within the law. I can assure the honourable House that it is my duty to read large numbers of articles in many different papers in original or in translation daily. Mr. Sanjana, since I am told that he is the writer of these articles.....

An Honourable MEMBER : Is it news to you ?

The Honourable Mr. J. E. B. HOTSON : .....has shown very great discretion in the choice of the articles from which he has quoted. I do not think he has on any occasion gone to the lowest, the most blasphemous, the most libellous of the articles which come into the office of the Oriental Translator every day. Had he done so, he might quite possibly have brought himself within the reach of the rules. He has been very careful not to do anything like that.

Now, these articles have been going on for a period of, I believe something like 4 years. There was no criticism against them until a very few months ago. Those articles had the same sort of contents a year and a half ago as they have to-day. Why did honourable members of this House read them and take an interest in them and find no objection in them ? Does the mere fact that some indiscreet person published the name of the writer in a newspaper make the slightest difference to the contents of the articles ? If these articles cause ill-feeling now, would they not equally have caused ill-feeling before ? But nobody said so. The only conclusion that can be arrived at is that the objection to them is based solely on the fact that they are written by a Government servant.

Honourable MEMBERS : Yes.

The Honourable Mr. J. E. B. HOTSON : My honourable friends say yes. They say there is nothing in the articles to which they object ; there is nothing objectionable in the articles. I have told the House once before that I had not the slightest idea who the writer was until very recently. I am quite ready to admit that it would have been more convenient to Government if the author had been somebody else and not a Government servant. We did not instigate him to write these articles. We are, as the honourable members can see, somewhat embarrassed by the fact that he is writing them. But that is not the point that we have got to consider. This honourable House would not wish us to do an injustice to a Government servant, merely to save ourselves from a little temporary embarrassment. We have seriously considered the question, and we cannot see that these articles have been against the public interest. That being so, we have got no right whatever to interfere with the liberty of this Government servant ; and I regret that I cannot give any undertaking to this House that I shall take any action to prevent the continuation of their publication.

Question put : House divided. 35 for the Ayes : 46 for the Noes.  
Motion lost.

*Division No. 4 :*

**Ayes**

AMIN, Mr. H. J.  
BECHAR, Mr. N. A.  
BROSLE, Mr. M. G.  
BHURGRI, Mr. J. W.  
CHANDRACHUD, Mr. N. P.  
DESAI, Mr. R. T.  
DESAI, Rao Saheb D. P.  
DESHAPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GHULAM HAIDAR SHAH, Mr.  
GILDER, Dr. M. D.  
GINWALLA, Mr. F. J.  
GUNJAL, Mr. N. R.  
HAJI MIR MAHOMED BALOCH, Mr.  
JAIRAMDAS DOULATRAM, Mr.  
JOG, Mr. V. N.  
KALE, Rao Bahadur R. R.  
KARKI, Mr. M. D.

LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD.  
LALLJEE, Mr. HOOSEINBHOY ABDULLA-  
BHOY  
LALJI NARANJI, Mr.  
MUKADAM, Mr. W. S.  
NAIK, Rao Bahadur B. R.  
NANAL, Mr. B. R.  
NARIMAN, Mr. K. F.  
NOOR MAHOMED, Mr.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
SHETH, Mr. A. D.  
SHIVDASANI, Mr. H. B.  
SHROFF, Mr. CHHOTALAL R.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
SYED MIRAN MUHAMMAD SHAH  
SYED MUHAMMAD KAMIL SHAH

*Tellers for the AYES :* Mr. J. C. SWAMINARAYAN and Mr. A. D. SHETH.

**Noes**

ADDYMAN, Mr. J.  
AKMAD, the Honourable MOULVI  
RAFIUDDIN  
ALLAHBAKSH, Khan Saheb  
ANGADI, Rao Bahadur S. N.  
ASAVALE, Mr. R. S.  
BALAK RAM, Mr.  
BHUTTO, Khan Bahadur S. N.  
BOLE, Rao Bahadur S. K.  
BROWNE, Mr. D. R. H.  
DABHOLKAR, Sir VASANTRAO  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESAI, Mr. J. B.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
HARRISON, Mr. C. S. C.  
HOTSON, the Honourable Mr. J. E. B.  
ISRAH, Khan Saheb GHULAM MUHAMMAD  
ABDULLAH KHAN  
JADHAV, the Honourable Mr. B. V.  
JONES, Major W. ELLIS  
KHUERO, Khan Bahadur M. S.

KNIGHT, Mr. H. F.  
LAIRD-MACGREGOR, Mr. E. G.  
LIGADE, Mr. S. P.  
MACKIE, Mr. A. W. W.  
MACLACHLAN, Mr. D.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MUJUMDAR, Sardar G. N.  
OLIVEIRA, Mr. F.  
OWEN, Mr. A. C.  
PATIL, Rao Saheb D. R.  
PETCH, Mr. F. W.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SYED MUNAWAR, Mr.  
THAKOR OF KERWADA, The  
THORNER, Mr. J. P.  
TURNER, Mr. C. W. A.  
WASIF, Mr. G. A. D.  
WILES, Mr. G.  
WINTERBOTHAM, Mr. G. L.

*Tellers for the NOES :* Mr. R. S. ASAVALE and Mr. D. A. JANVEKAR.

*Foot-Note.*—Mr. B. G. Pahalajani had voted for the "Ayes", but his name was omitted from the list by mistake. (See Debates of 11th March 1929.)

The Honourable the PRESIDENT: The honourable House is aware that the two days allotted for this Demand will end to-morrow at 1-35 p.m., and therefore honourable members know how much time they have left.

Mr. H. B. SHIVDASANI (Surat District) : Sir, I move :

Omit entire grant—Provision under “ D-Commissioners ” (Civil Estimates, page 81). Sir, if we look at the White Book, we will find that the budget provision for the Commissioners comes to about six lakhs of rupees. In addition to this expenditure of six lakhs, we have some other expenditure in the form of pensionary allowances and buildings which come under different heads in the budget. So, in all the expenditure on the Commissioners will come to about eight lakhs of rupees at a rough estimate. Now, I do not mean to say that the Commissioners are not doing work which is useful ; but the question is whether in the present state of our finances we can afford to have such highly paid officers. Some people have described the Commissioners as mere post offices ; there are some other jobs which are also called post office jobs. I am not prepared to go to the length of saying that they are mere post offices, but I certainly do hold that expenditure under this head is out of all proportion to the utility of these officers. Their utility in the past may have been very much greater than to-day under the Reforms when we have got this enlarged Council and every district has got one or two members on the Legislative Council, when people are beginning to know what their rights are, when, as every member of the Council must be knowing from his own personal experience, there is any difficulty the voters in the constituency are not slow to write about it to the members and ask them to take the matter to the Council. Formerly, there may have been much greater scope for Government officers to be autocratic and for the people tamely to submit to their orders. But nowadays with increasing knowledge of the powers given to people’s representatives in the reformed Council, people are beginning to realise that there are several ways by which they can get the autocratic orders passed by Collectors and other officers set aside.

If you look at the different items shown in the budget, you will find that the number of Government officers has been steadily growing. If I may say so, we are at present being over-governed ; we have got an excessively large number of Government officers. The poor people of this presidency cannot afford to have so many officers. They may be doing useful work ; but at the same time we have to consider whether we can afford to maintain so many officers. What happens in an ordinary business undertaking ? If the business is not doing well, if there is depression, the number of hands is reduced and the remaining hands have to carry on and do more work. The other day the Honourable the Finance Member promised to look into the scales of pay of Government servants in the different departments. I would like him to look also into the question whether the number of Government servants cannot be reduced in the different departments. I certainly do hold that there are some posts like the posts of Assistant Collectors which can be abolished without detriment to the efficiency of the department. If the magisterial work of Assistant Collectors is taken away and if we have resident magistrates to try criminal cases, we can easily dispense with Assistant Collectors and Prant Officers. Of course, there may be a little delay in the disposal of papers ; there may be a little inconvenience

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felt. But we have to consider whether the time has not come when we should go into this question and see whether we cannot reduce the number of Government servants. Formerly, we did not have so many departments; formerly, revenue officers had to do the work of almost all the departments; nowadays every department has got its own complete organisation. Formerly, the revenue officers were supposed to inspect schools and to look after them properly; nowadays we have got educational inspectors, deputy educational inspectors, assistant deputy educational inspectors and so on. The Excise Department was entirely under the control of the Revenue Department formerly, the Assistant Collector of Revenue was supposed to be the Assistant Collector of Excise also, and the duty of inspecting liquor shops and other places was entirely on his shoulders. The district and taluka local boards were in charge of the Revenue Department; almost all the boards had official presidents; the district local boards had the Collector as their president, and the taluka local boards had the Assistant Collector as their president. Now almost all the district local boards and the taluka local boards have non-official presidents. Similarly, if you look to other departments, you will find that they are all well organised and it is not now necessary for the Revenue Department to look after their work.

Also it has been found that sometimes the Commissioner instead of being a help is a hindrance, a fifth wheel in the Government chariot. Some Commissioners like to have a finger in every pie. From what happened at Bardoli recently we found that if the Commissioner had not been on the spot the situation might have been handled much better than it was. That is my personal opinion. The Pathans were brought in. The poor Collector had to consult the Commissioner on every little thing; his complaint was that he was reduced to a mere circle inspector. The buffaloes were attached, and everybody got the impression that it was at the instance of the Commissioner that they were attached, and people of Bardoli call him the buffalo Tiger—I am only stating what the people used to say. So, you cannot say that people think that Commissioners are useful. On the contrary, on several occasions we find that with fewer Government departments and fewer Government officers the administration would get on much better. It depends on the persons: some Commissioners may be very good; they may give greater latitude to their subordinate officers and may not interfere unless it is absolutely necessary; but other Commissioners may like to have a finger in every pie. I know of Commissioners who liked to appoint the peons in the Collector's office and reduce the Collector to a non-entity. After all, the Collector is often senior enough and good enough to be a Commissioner. Therefore, why cannot Government deal directly with the Collectors?

When you have a highly paid Collector drawing over Rs. 2,000 why cannot you trust him to manage the administration of the district? Is Government not prepared to trust its own officers? Does it think that an officer of the position of a Collector cannot properly manage the district? Does the Government think that there must be a mukadam, a supervisor

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over him in the form of a Commissioner ? If you look to the work of the Commissioner, I think that he is really not able to get in touch with the people, nor is he able to see the crops, survey numbers, boundary marks, etc. I have not got such detailed knowledge of the work of the Commissioner in Sind. Moreover Sind is so far removed from the Bombay Presidency that it may be necessary to have a senior officer (hear, hear) with certain wide powers. He may be able to pass final orders in certain matters ; otherwise it may inconvenience or delay the administration. My remarks are particularly directed to the three Divisional Commissioners in the Bombay Presidency proper. As regards these three Divisional Commissioners, I personally think that looking to our financial position, they are a luxury which we are not in a position to afford. At present we cannot even afford necessities. When we have not got enough to eat we do not get a nice turban or some nice head dress. The first need is to keep the body and soul together. We have been repeatedly told by the Honourable Ministers that they have got no money and that they are willing to do this reform and that reform. The Honourable Minister for Education told us that he would like to introduce some scheme of compulsory education, but he was unable to do so because there were no funds available. If you abolish Divisional Commissioners you will save about 5 lakhs of rupees. The Honourable Minister tells us that that amount will not come to the aid of education. Well, he should see that it does come to education. He should ask the Honourable the Finance Member to allot the money for education, and if he refuses to do so he should resign and come to this side of the House. We have sent him there to fight for that and if he cannot do what we tell him to do, what is the use of his being there ? We have sent him there to get as much money as possible for education, and if this is his mental attitude, I do not think he will serve a much useful purpose. I think it has been agreed by every one that our greatest need is education and it would not be a bad thing even if the Education Minister proposed a loan programme just as we have a loan for the Sukkur Barrage. It would not be a bad investment if you launch a loan programme and go in for a big scheme for education. It would pay in the long run, and would be a better investment than the other projects, because by giving better education we would be increasing the earning capacity of the people, and on the earning capacity of the people depends the taxable surplus and the taxable capacity. I certainly think that the time has now come for us to see if we cannot reduce some of the higher posts which carry very high salaries and if we could not get on without them though they may be doing good work. I am sure nobody in this House would maintain that if the three Divisional Commissioners were abolished, the machinery of the Bombay Government would come to a standstill. I am quite sure that with good Collectors,—and as far as I know Government is careful to see that they appoint good officers as Collectors,—that with good Collectors Government would easily be able to carry on the administration of the Bombay Presidency. The only justification for the retention of these high posts would be that without these officers Government would

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not be able to carry out the administration of the Bombay Presidency. If the Honourable the Leader of the House gets up and says that we require Divisional Commissioners, that without them we are not able to carry on the administration of the Presidency, I am quite prepared to withdraw my cut. But I feel confident that he cannot maintain that the administration cannot be run without the Commissioners. He may have an exaggerated idea of the usefulness and the importance of these officers. But knowing as I do the feelings of the people, the people at least feel that the time has come for the abolition of these posts. The members of the Indian Civil Service might feel that if these posts are abolished, they will be losing three prize posts, but if they look at the question from the financial point of view, they would not be losers in the long run. In Madras where they have got no Commissioners, the senior Collectors draw Rs. 250 more per month than in other presidencies. In Bombay the maximum pay of a Collector is Rs. 2,500, in Madras the maximum pay of a Collector is Rs. 2,750. So if these three prize posts are abolished probably about 20 to 25 Collectors would be drawing Rs. 250 more. So instead of having three prize posts there will be 20 to 30 posts carrying a higher salary.

The Honourable Mr. J. L. RIEU : Is the honourable member aware that there is a Board of Revenue in Madras ?

Mr. H. B. SHIVDASANI : That is not the question here. The question is whether the members of the Indian Civil Service would benefit by the abolition of the three prize posts or not. The question whether Bombay would find it necessary to have a Board of Revenue is another matter. Madras has got a much larger area and much larger population than Bombay has got. Moreover if we get the principles of land revenue settled on a statutory basis and on a much simpler basis, it may not be necessary to have a Board of Revenue here. When the question of having a Board of Revenue comes up before this House, the matter can be considered on its merits. Here we are considering the question of the Commissioners.

As regards village and district inspection, the opinion of all is that the Commissioner's inspection does not serve a very useful purpose. Then as regards magisterial work, the Commissioner does not do any magisterial work. ....

The Honourable MOULVI RAFIUDDIN AHMAD : He has to hear appeals.

Mr. H. B. SHIVDASANI : He has to hear appeals, but the general experience is that the Commissioner's decision on most of the appeals is that "the Commissioner declines to interfere." It only causes delay (Laughter) and the people before they can appeal to Government have to appeal to the Commissioner and in the majority of cases the Commissioner's decision is that he declines to interfere. Moreover I do not see why it should be necessary only for the sake of appeals to have a Commissioner. Ultimately in the case of most of the appeals, they are sent to Government and Government can decide the appeal without the

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intervention of the Commissioner. It may be contended that owing to the reforms, the work has increased and so we require these officers. But I say that the reforms have also created a consciousness in the people of their duties, and as we are finding from day to day people are through their representatives ventilating their grievances, there is no need for Government officers to go to the houses of people to see them and find out what their grievances are. I therefore hope that Government would in view of our present financial position agree to abolish these posts. The Honourable the Leader of the House shakes his head and says "I am afraid not." I am waiting for what he has got to say, whether he is of opinion that if these posts were abolished, the administration of the Bombay Presidency would come to a standstill, whether he pleads his own impotence or whether he says his officers are so very useful that he cannot get on without them. I would also request the Honourable the Finance Member, when he is considering the question of the pay of the different officers of the different Government departments, that he will also consider whether several of these high and other posts could not be reduced, whether fewer men could not do the same work.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District) : I support the motion, Sir. I would just lay before the opposite benches this aspect of administration and leave them to judge whether the administration as composed at present would conduce to the better government of the country. The last unit among the subjects is the ryot. Between the ryot and the head of the administration there are so many persons, Sir, that the ryot hardly gets justice done to him. Between the last unit of the administration, that is, the patel, and the head of the administration there are so many middle officers that the administration suffers. The Commissioner is one of them and his post may be abolished. My honourable friend from Surat has referred to the Bardoli matter. I ask the Honourable the Revenue Member just to calmly consider that aspect. If there had been no Commissioner, would not have the Bardoli matter been amicably settled long ago, and settled in the interests of the people, and to the honour of Government ? And it was only this post that brought the whole administration into a very awkward hole and into discredit and disrepute not only here, but in England.....

The Honourable Mr. J. L. RIEU : May I ask which Commissioner the honourable member is referring to ? I have some doubt.

Rao Saheb D. P. DESAI : The Commissioner, Northern Division, Sir. As a matter of fact, with the Home Government, this Government has lost all reputation, and had it not been for the unholy combination of the Commissioner and the "Times of India", this would not have happened. They were the only two persons, only two public persons, in the whole of India who did not stand by the Bardoli peasant, but stood to their own opinion in order to crush the Bardoli peasant ; not only they stood to their own opinions, but they misled this Government in order that the Bardoli peasant may be crushed. All the Anglo-vernacular papers, that

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is, papers of the type of the "Times of India," were also, in this matter, with the Bardoli peasant. But it was only, I regret to say, that one paper in Bombay, one Anglo-Indian paper in Bombay, the "Times of India" and the Commissioner misled this Government, misled the Home Government and brought this Government into a very awkward pass. But let us go and see whether in the matter of administration the Commissioners exercise a wholesome influence in the interests of the ryot, on whom they have been placed to rule. As a matter of fact, the ryot's fate in the first instance is decided by the talati. That opinion is partly endorsed by the circle inspector, whose opinion is again endorsed by the mamlatdar. The mamlatdar's opinion is again being endorsed by the district deputy collector. The district deputy collector's opinion goes to the Collector. The Collector's opinion goes to the Commissioner; and the Commissioner's elaborate statement, based on these papers, comes before the whole Government. And the Government, unfortunately for that ryot, pass their orders in the majority of cases, in a large majority of cases, against that poor man, who does not even know how all these things have happened, how these people have combined against him.

The Honourable Mr. B. V. JADHAV : Do you think that no opinion should be asked ?

Rao Saheb D. P. DESAI : I will come to that when I come to the transferred side. When I come to the Commissioner's interference with the transferred side, I shall come to that point. But, so far as the reserved side is concerned, the Commissioner's opinion carries weight with Government. If the Commissioner's opinion carries weight with the Government, where is the necessity of this Government ? Why have a Government and also the Commissioners ? Why should we have these officers drawing Rs. 5,000 and so forth, sitting in front of us ? I do believe that the Government Members deserve to remain in their office, but I do think that the Commissioners should be done away with, with advantage to the ruled and to the rulers also. Here we, each one of us who comes as a representative of his own district, have experienced that, however sympathetic this Government may be to what we tell them, still all our plans, all our proposals, are perhaps thrown overboard because a particular Commissioner was not of that view or because the Commissioner held a view quite contrary to our own view, and the Government had to throw overboard our own proposals. Now I come to the transferred side. Look at the principle of nominations to local bodies. It is a transferred matter, which means that this Council and the Minister, these two, should have a voice in it. I ask the Honourable Minister for Local Self-Government whether he has consulted any member from any district here as to who were the persons likely to be nominated on the boards in his district. He has not. On the contrary, he has gone to the Commissioner and asked him to nominate on his behalf all those members. What is the Commissioner to know about these matters ? We who come from the district are in a far better position to know how the local self-government administration of the district is to run than



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the Commissioner, who visits on a joy tour, perhaps, for ten days or fifteen days in a year. I do not suppose that the principle of nominations, as carried out at present through the medium of the Commissioner, conduces to democratisation. We have transferred this matter, but the most vital point in that has not been transferred. It is a reserved matter. I ask the Honourable Minister for Local Self-Government whether he has ever nominated persons who are supporters of a majority in a particular board, or has he not nominated persons who would go against the very spirit of the majority in that board, that is, the majority as representing the majority of the inhabitants of that district? I do not want to disclose a secret, but I know as a matter of fact these nominations are made partly as a reward for services rendered and partly to counteract the influence of the majority and turn the majority into a minority and to counteract the opinions of the majority of the inhabitants of a district. ....

The Honourable MOULVI RAFTUDDIN AHMAD : To protect the minorities.

Rao Saheb D. P. DESAI : The protection of the minorities is on paper only. Minorities are not protected. I am not opposed to the principle of nomination, but I am opposed to the way in which the nominations are being carried out by the Commissioners. In order to protect the interests of the minorities, I would wish that the Government might make nominations or might nominate persons whom they like and who they think will co-operate with the majority in the interests of smooth working, but instead of doing that, they hand over the power of nomination to the Commissioner, who in consultation with the Collector fixes upon nominations and thus makes a reserved subject of the transferred subject. If the local self-government is a transferred matter, it should be transferred out and out. It should not be handed over to the Commissioners. My honourable friend Mr. Nariman is not present here but I think and hope that he will place before this House facts which will clearly show and prove how far the Commissioners go in carrying out this policy of working against the very majority in a district local board. I have also observed for nine years now that the Honourable the Ministers take this matter very calmly as if it were a matter of course without any concern whatsoever and believing that whatever is done is being done in the interests of the State. What interests of the State are served in this manner? The whole system of nomination and the whole principle of nomination have been brought into disrepute because Government have delegated powers to the reserved side.

I now come to the distribution of grants. If it were not for the existence of Commissioners, perhaps the most influential of the three Commissioners would not take away from the Minister more grants and the least influential of them would not have to remain satisfied with only a small grant. I think the Commissionership of the Central Division is a prize post, because there is less work and more honour in it. It is given more or less as a reward to a favourite officer. The reason being that the Government is partly located in that division, some time at

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Mahableshwar and some time in Poona, and Government come directly in touch with the Commissioner, Central Division. Now whatever the Superintending Engineer of that division or the Commissioner of that division proposes is given preference to anything that is said by any other Commissioner or any other Superintending Engineer. The Commissioner, Northern Division, might say any nonsense. The Superintending Engineer, Northern Division, might of course make any proposals, they are all cast aside. Why? Because the Commissioner, Central Division, must have his due not as Commissioner, not to the extent to which he should have, but because he happens to be Commissioner, Central Division. For no other reason.....

The Honourable Mr. G. B. PRADHAN: The honourable member himself said that the Commissioner, Northern Division, might say any nonsense.

Rao Saheb D. P. DESAI: That is of course considered as nonsense by Government in this matter at least. Government do not look upon all the three Commissioners with an equal eye. Then, why should Government have these three posts of Commissioners at all? Why not have the Secretary, who has experience of all divisions, as the co-ordinating medium between various Collectors? Why not have the Secretary, Revenue Department, as the co-ordinating influence? Why should he not have the same powers of making recommendations as the Collector? Why should the Commissioner interpose and nullify whatever we say here by his weighty opinion, which weighty opinion is perhaps not his own but of his personal assistant or native assistant or some active officer in his office. We know these things. We know how Chitnis or Deputy Collectors who act as Personal Assistants to the Commissioners act. If they are good people, then everything runs smoothly but the moment there is some busy body, all goes wrong. The Ministers were once, like us, private persons and they know how these things are managed. They know what great influence these deputy collectors exercise over their Commissioners. There were Commissioners who always leaned to the opinions of the Deputy Collectors attached to their office. If the office of Commissioner were to be degraded to that extent, it would be better to abolish those posts altogether. An office, which does not function up to its standard does not deserve to remain. As regards actual work, in the majority of cases they simply endorse the opinions of Collectors. Printed forms are used. There is one stereotyped endorsement to the effect that the Commissioner sees no reason to interfere with the Collector's decision. The papers go to Government. There are I believe printed slips in the Secretariat also, in which occurs the sentence that Government see no reason to interfere with the decision of the Commissioner. In fact, the Commissioner might not have ever looked into the papers. The appeal to the Commissioner is thus decided by a printed slip in the Commissioner's office, and the appeal from the Commissioner's printed answer is also decided by another printed slip in the Secretariat. Then, why not have one clerk in the Secretariat and another clerk at the other end instead of these persons

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on high salaries, and ask them to send away these slips to applicants ? These are all matters which deserve to be remedied and that could only be done if you could do away with Commissioners' posts. So long as they are there, the Commissioners will raise so many objections to their own extinction. They will write to Government that they are absolutely necessary. They will say that grants are being distributed by them ; that they have to look into the Collectors' affairs and that Collectors will mismanage their affairs. But I may say that all the same Government will go on and Government will go on better than it does at the present moment. With these remarks, I support the cut.

*After Recess.*

Mr. M. D. KARKI (Kanara District) : Sir, I was one of those who had tabled a resolution for the abolition of the Commissioners' posts in this Presidency. So, I would beg to make some remarks of my own. The Commissioners' posts are now nothing but an avenue for promotion. There was a time, no doubt, when it was absolutely necessary for such posts, that is to say, when the line of revenue administration was not settled, when disputes between village communities were to be settled, when disputes between villages about their boundaries had to be set at rest, and when disputes between villagers and Government about boundaries between their respective lands had to be decided. But the line of land revenue administration has now been settled. Surveys and settlements have been brought into force, and at many places revision settlements also have been completed. If you look at the work of the Commissioners, their work consists of supervision and appellate work. To me it appears that there is no original work to be performed by these Commissioners. With regard to supervision, a Commissioner cannot tour throughout all the districts in his division in the year. His touring campaign is limited to one or two districts in a year. With regard to appellate work, I submit that in many cases the appeal from the order of the Collector is confirmed. With regard to appeals, we have got the Deputy Collector, the Collector and the Commissioner ; but the Commissioner is not the final authority in this matter. A ryot may approach Government even. In that case, the order of the Commissioner is liable to be set aside. How many appellate authorities should there be between Government and the Mamlatdar ? In this way, the cultivator is not at all benefited. This dilatory process of disposing of matters with regard to revenue administration tells very heavily upon the purse of the agriculturists. First he goes to the mamlatdar ; if he fails, he goes to the Deputy Collector, then to the Collector, and finally to the Commissioner, and if he fails there, then there is no hope left for him and he approaches Government. So, this dilatory process is due to the retention of this post. Otherwise, there would be the Collector and the Government. Of course, Government is after all the final authority in these matters, and in these days when the line of administration has been settled and when the people have begun to understand their own rights full well,

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it is highly necessary that the Commissioners' posts should be abolished.

Now, it is stated on the floor of this House that, on account of the financial stringency, there can be no progress made in the transferred departments; and we should find out avenues for reducing expenditure. It is said that we should co-operate with the Government to find out these avenues. There are many avenues for retrenchment and this is one that is suggested by the non-official side of this House.

Now, Sir, the supervision work entrusted to the Commissioners is not also satisfactorily carried. It is left to the men who are Assistant Commissioners or Personal Assistants. They do this supervision work, and the Commissioners are simply the signing machinery. Under these circumstances, it is not advisable, in these days of financial stringency that these posts should be maintained. Therefore, I recommend that these posts should be abolished.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I rise to support this cut. The honourable mover says that he is not prepared to call the Commissioners post offices but I beg to differ from him. I affirm that he is a post office between the Collector and the Government just as the prant officer is a post office between the Collector and the mamlatdar. Just as the prant officer spoils and confuses matters between the people and the Collector so also the Commissioner, instead of improving matters, spoils and confuses the real issue between the Government and the people. If there had been no Commissioner the Bardoli affair would not have taken the turn it took. As honourable members have stressed that point at great length I do not want to refer to it. But I think that it was the improper advice of the Commissioner that lengthened the trouble. If the views of the Collector had been taken the matter would have been compounded much sooner.

People are put to great difficulty when they want to get redress for their grievances. If the people have any grievance they must apply to the Collector and if the order of the Collector is not satisfactory they must appeal to the Commissioner and get his order. If the order of the Commissioner is not satisfactory they must approach Government for the redress of their grievances. These posts are maintained for the purpose of widening the gulf between the people and the Government. A really popular Government must be conversant with the miseries and grievances of its people. They should have no intermediary offices to ascertain the condition of the people, suffering in the rural areas. By means of this machinery Government try to keep themselves away from the people in the street as far as they can. They want to evade listening to the grievances of the people directly.

I have got one illustration in my own district. There is a village called Paldi Kanky in the South Daskroi taluka. It has got river bhatha land. When these lands were given in 1927 they were regularly measured and the measurements were also checked. In this way 50 or 60 acres were given to the people. It so happened that when the crops were taken after

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the year was finished and when the monsoon of the other year began one circle inspector took it into his head to take a measurement of these lands. He made a measurement and reported that lands to the extent of 214 acres including unauthorised cultivation, etc., had been encroached. The mamlatdar did not check the measurements; the Prant officer did not do anything. But they passed orders levying a fine for unauthorised cultivation, encroachment and so on. If a man has got 5 acres of land, he may have an encroachment of one or two ghuntas. But the encroachments were eight or nine acres. An appeal has been preferred to the Commissioner, but these poor people have been fleeced to the extent of Rs. 2,000 or Rs. 3,000. They ought to have said that their appeal was pending before the Commissioner and they would not pay the fine. As these people are illiterate, they did not understand their right but got frightened and paid the amount. If these measurements are regularly checked it would be found that river beds also had been included and that river beds cannot be cultivated is a well-known fact. The appeal has been hanging fire before the Commissioner for the last 12 months. The appeal was preferred in last April and we are approaching the next April now. What is the use of having such officers who do not pay heed to the grievances of the people? If there had not been a Commissioner, the matter would have come to Government. Whatever may be the constitution of the Government, the eyes of the Government can be opened by means of interpellation in this House. I gave notice of questions on this matter but I have received no reply for the last 12 months. As the matter is pending before the Commissioner Government have not been able to give any replies.

The Government of India had approached this Government whether they would be willing to do away with these posts. The Government of India also approached the Government of Madras with the same suggestion. The Madras Government accepted their suggestion and abolished these posts. The Bombay Government being conservative still retain these posts. By continuing this post they are creating the greatest trouble to cultivators. It would be a much simpler constitution if we have the mamlatdar, Collector and Government. In these democratic days there should be as few officers as possible between the people and Government. The posts of commissionerships should be abolished as soon as possible. I therefore support the cut moved by my honourable friend Mr. Shivdasani.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Sir, I rise to support the cut. In supporting this cut I would like to refer to the Commissioner in Sind referring to whom the honourable mover of the cut said that on account of the distance by which Sind is separated from Bombay his existence may be necessary there. But I am sure that he has expressed this opinion because he has now settled in Gujarat far away from Sind, and is not very much acquainted with the conditions in Sind. The position of the Commissioner in Sind is quite different from that of the Commissioners of Divisions in the presidency proper. Other-

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wise we would have seen the Commissioner in Sind occupying the Government benches like the other Commissioners and listening to the grievances of the people just as the other Commissioners do. The post of the Commissioner in Sind is an enviable one. Among the entire posts in the presidency, excepting those of the Executive Council Members and Ministers, he is a little despot of the African desert of Sind which is also a desert. He is a little monarch of all he surveys. He is vested with independent powers wherewith he can do anything he likes and his word is law with the Government of Bombay, because of their ignorance in matters connected with Sind (Government Benches: No, no.) (An Honourable Member: There is the Leader of the House.) I have great respect for the Leader of the House who was Commissioner in Sind; but he will listen to those matters with which he was connected while he was Commissioner. But on whatever transpires now he will give effect to the word of the Commissioner. If I have got any grievances in the matter of appointment of Mussalmans to higher posts or their confirmation in such appointments, he will quote the opinion of the Commissioner and say "What can I do? The Commissioner has recommended it." That is the position of the Commissioner; he is a sort of bell hanging between the Government and the people. He is clothed with extraordinary powers against which we have complained for ages. I am sure that in the coming reforms something will be done in that connection also and the Commissioner will be brought down to this representative House to listen with his own ears to the grievances of the people as voiced by the representatives of the people here.

Sir, if you look to the amount assigned to the Sind Commissioner as sumptuary and travelling allowances, you will be wonder-struck; his sumptuary and travelling allowances are equal to those of the Governor of Assam.

Dr. M. K. DIXIT: Page ?

SYED MIRAN MUHAMMAD SHAH: Page 96.

An Honourable MEMBER: What is the sumptuary allowance in Assam ?

SYED MIRAN MUHAMMAD SHAH: 6,000; the same amount is assigned to the Commissioner in Sind. Sir, when he moves out in a launch on the big river Indus he moves like a governor and nothing short of it. This presidency spends about Rs. 9,360 on his travelling, and what good is he doing? I cannot understand what grievances he is going to redress by going from his headquarters to Sukkur and to Thar Parkar. If he wants to hear appeals he can hear them at his headquarters. Now, the word of the Collector carries as much weight with him as his carries with Government. I will tell you how the string of correspondence is manipulated. Supposing a tapedar gets angry with an agriculturist or a zamindar because he does not pay him *lapo*, which he calls his inheritance, and that zamindar does not take permission to cultivate a particular piece of land which he has got every right to do



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but for which according to the rules he has got to take permission, the tapedar reports the matter to the supervising tapedar, who requires his share of the booty, and failing to get that he reports the matter to the mukhtiarkar who reports the matter to the deputy collector and so on it goes to the Collector and the Collector finally confirms the recommendation of the tapedar that the zamindar should be fined. If he appeals to the Commissioner, the Commissioner will confirm the order of the Collector. So that, whatever is recommended by the tapedar is confirmed by the Commissioner. And if he appeals to Government they will confirm the order of the Commissioner. This is the condition of Sind. As her people are not vocal, they cannot bring their grievances before the Council. Therefore, I say that the Commissioner is a little despot of the desert of Sind.

Sir, I cannot understand why Commissioners ought to be maintained when there are district Collectors who can communicate directly with Government. Why should you have this multiplicity of officers? Is it for the embellishment of the administration or the convenience of the people? Why put such impediments in the ordinary and smooth course of administration? Look back even to those days which are described in history as barbaric; every man had a right to go to the King and get his grievances redressed. We read in history that Akbar and Shah Jehan used to have bells at their gateway, and when the chain was pulled and the bell rung, even at night they used to listen to the grievances of the people. When all these impediments are created, it takes years to get things done. I will give an instance. I applied for sanction to open 50 schools in my district; the correspondence has been pending for two and a half years; it passes through the hands of the president of the district local board, then through the senior assistant deputy inspector of schools, then through the educational inspector, through the Assistant Director of Public Instruction, through the Director of Public Instruction, Under Secretary, Secretary and finally it goes to the Minister. This is how things are protracted and the system of administration made unwieldy and expensive. I will attribute the poverty of the country to the unwieldy nature of the administration. Whenever we make a request to Government to apply the axe, they say they cannot do it because even if one officer of theirs is reduced the whole edifice will go down. We cannot lay hands on the Oriental Translator, we cannot lay hands on the Assistant Legal Remembrancer or a Secretary. Where can we apply the retrenchment axe? Government say that every one is necessary; even a clerk, even the Water Diviner, is necessary. They now say they are going to reduce our water, and yet the Settlement Commissioner will increase the assessment. I say it is injustice. Let them increase our profits by even Rs. 10 per acre; if they do that, we can pay more taxes. Only if they increase our resources, have they the right to tax us more. Without increasing our resources, Government have no right in this poor country to maintain such heavy and unwieldy administration. From all these points of view, I say that there is absolutely no necessity of maintaining the post

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of Commissioner. If you apply the axe of retrenchment apply it to bigger heads that can bear it and not on poor people. In any scheme of retrenchment it is the constables, poor clerks and peons that are reduced, but those living on fat salaries are left untouched.

Sir, the condition of Sind is very pitiable ; I tell you honestly it is very pitiable. The present system of administration is demoralising the nation ; I say it offers a temptation to the younger generation to become clerks and mukhtiarkars ; because no other field is open to them, the posts of clerks, mukhtiarkars and deputy collectors constitute an alluring temptation. This is denationalisation of the country. I look at this from that point of view. There ought to be retrenchment in every establishment and even of Commissioners also. It is necessary that the posts of Commissioners should be done away with. I would make a request to Government, namely at least to bring down the Commissioner of Sind to the footing of other Divisional Commissioners and bring him here to hear what we have to say as regards our grievances.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I rise to make one or two observations on the motion proposed by my honourable colleague from Surat. Sir, it has been admitted by the Honourable the Finance Member that the finances of this Presidency have been crippled down. He further admitted that he could not finance the transferred departments any more than he is at present doing. Yesterday the Honourable Minister for Education had a conference with the Presidents of some of the district local boards. He sympathised with the request put forward by the Presidents of these boards, but he admitted he had no funds to satisfy their demands. Well, Sir, when Government cannot find a few hundreds for departments like education or agriculture or sanitation, is it not time for Government to consider whether they can abolish the offices of Commissioners without marring the efficiency of the administration ? In my opinion this can be done without marring the efficiency of the administration. I can well understand the utility of the Commissioners if they get sufficient time to move about in the villages and come in contact with the ordinary ryots, but in large divisions it is impossible for them to move about from village to village or even from town to town and come into contact with the agriculturists so that they may study the things on the spot and try to do justice to them. At the most as I know the Commissioner in a year can spend two or three days in a large city which may be the headquarters of a district. When this post was created it might have been the intention of Government that with the Collectors vested with wide powers, and when the agriculturists were unable to get justice from the Collectors, they might go in appeal to the Commissioner and get their grievances redressed. In other words these posts might have been created in the interest of the ryot but, as the honourable speaker from Kaira has humorously remarked, nowadays these Commissioners have got no time and on appeal against the Collector's decision the agriculturists will get a ready reply from the Commissioner that he does not see any reason to interfere. If there was no such officer of Government to intervene, the applicant might have gone to Government

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Rao Bahadur B. R. NAIK (Surat District) : Sir, I rise to make one or two observations on the motion proposed by my honourable colleague from Surat. Sir, it has been admitted by the Honourable the Finance Member that the finances of this Presidency have been crippled down. He further admitted that he could not finance the transferred departments any more than he is at present doing. Yesterday the Honourable Minister for Education had a conference with the Presidents of some of the district local boards. He sympathised with the request put forward by the Presidents of these boards, but he admitted he had no funds to satisfy their demands. Well, Sir, when Government cannot find a few hundreds for departments like education or agriculture or sanitation, is it not time for Government to consider whether they can abolish the offices of Commissioners without marring the efficiency of the administration ? In my opinion this can be done without marring the efficiency of the administration. I can well understand the utility of the Commissioners if they get sufficient time to move about in the villages and come in contact with the ordinary ryots, but in large divisions it is impossible for them to move about from village to village or even from town to town and come into contact with the agriculturists so that they may study the things on the spot and try to do justice to them. At the most as I know the Commissioner in a year can spend two or three days in a large city which may be the headquarters of a district. When this post was created it might have been the intention of Government that with the Collectors vested with wide powers, and when the agriculturists were unable to get justice from the Collectors, they might go in appeal to the Commissioner and get their grievances redressed. In other words these posts might have been created in the interest of the ryot but, as the honourable speaker from Kaira has humorously remarked, nowadays these Commissioners have got no time and on appeal against the Collector's decision the agriculturists will get a ready reply from the Commissioner that he does not see any reason to interfere. If there was no such officer of Government to intervene, the applicant might have gone to Government

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direct and Government might perhaps have gone more carefully, but at present, after the Commissioner declines to interfere or sees no reason to do so, the applicant will go to the Government and the Honourable Member in charge of the portfolio, or the Cabinet as a whole, will say "Oh, the Commissioner must have gone very carefully into the matter and nothing remains to be done," and therefore they will say that Government regret that they cannot interfere. These are the replies usually received by the agriculturists. The post of the Commissioner could have been justified if it was useful or if it were of such great utility to the ordinary agriculturist or ryot. But at present it is not so. Therefore I say that these posts can be abolished without marring the efficiency of the administration. The Collectors after all come into direct contact with the people of the district and they can, with the assistance of the Assistant and Deputy Collectors and Mamlatdars, deal with all the problems arising in their respective districts and if any appeal is to be preferred against the orders of the Collector, the applicants can safely go to Government and the Honourable Member in charge with the assistance of his Secretary can decide the case far better than is at present being done by the Commissioners. I do not say that the Commissioner has no desire to mete out justice, but I say that the Commissioner has got no time to go into the cases. In most of these cases I know the Assistant Commissioner goes into the papers,—sometimes the last page or the last few lines of the correspondence, or the last endorsement, of the Collector—and he puts a remark that there is no case for interference. In this way the appeals are dismissed by the Commissioner. Also as I said the Commissioner cannot come into close contact with the agriculturists and cannot therefore in many cases redress the grievances of the ryots.

There is another difficulty. The Ministers are very much hampered by the interference of the Commissioners in matters pertaining to district local boards, municipalities, etc. Of course they would not admit it on the floor of this House, but they will admit it privately, that though they have the intention or the inclination to issue certain orders or give certain grants to local bodies or municipalities or other institutions, and when the Commissioner is consulted he will say this cannot be done, this should not be done. The Minister will not be able to go against the opinion of the Commissioner. I know, Sir, in many instances they will refer the matter to the Commissioner and if he says if such and such a grant should not be given to a local board, in spite of the intention of the Honourable Minister, he cannot interfere with the decision of the Commissioner, and he does not interfere. Therefore I say that these Commissioners have a tendency to do as they like, they do not like democratic principles so much as the Minister would like, and they come in the way of the nation-building departments, such as the agricultural and other grants and other matters. The Commissioners may be useful from the point of view of Government, but I say the time has come to retrench these big offices. Government can safely do away with the offices of the Commissioners. I do not want to open the sore of Bardoli and discuss here as regards the Commissioner of the Northern Division

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particularly to which my honourable friend from Kaira has referred, but I simply confine my remarks to the general question that these offices can be dispensed with and the administration can be carried on as efficiently as is being done at present with the Collector and with the Secretary and with the Honourable the Revenue Member or any other Honourable Member concerned with the portfolio of the department. With these remarks, Sir, I support the cut.

Mr. W. W. SMART : Mr. President, the arguments which have been uttered by the various honourable members in favour of the abolition of the posts of Commissioners have not been consistent. On the one hand, we have heard that the continuance of these posts is unnecessary, the Commissioners do not do any work, and that they are mere clogs on the wheels of the administration. On the other hand we have heard from the same mouth that Government accepts without demur the opinions given by the Commissioners and attaches great respect to what they say. One honourable member went so far as to say that if the Commissioner of the Central Division,—that is my honourable friend on my left—made some nonsensical proposals to Government the Government would accept them. I have watched this debate with interest, and I feel I must say that the honourable members have paid compliments to the Commissioners sitting in this House which were never intended. I never imagined that we were such important people before, and I should say, from what I have heard, that what has been said is not a reflection upon the Commissioners, but upon Government. If Government will accept any nonsense which, say, the Central Division Commissioner chooses to put forward, I think it will not be so much a reflection upon the Commissioner as a reflection upon the Government. However, I do not think we can take the arguments which we have heard from many honourable members in altogether a serious light.

Now, member after member has got up and said that Commissioners dispose of appeals with some such remark that “the Commissioner declines to interfere.” It is perfectly true, that there are such a large number of appeals, which come from people who have encroached on Government land and that these are rejected by Commissioners and Government. But the inference drawn by honourable members that the appellants so appealing must be right, is extraordinary. I may tell the honourable members that such applicants do not rest content with being told by Government that they decline to interfere. They generally file a civil suit against Government, and those civil suits, I think, in 99 cases out of a 100, fail. Now, we have heard this wonderful argument that because a man goes on appealing, that therefore he must be right, and that every time his appeal is rejected, the argument that he was in the right and that Government was in the wrong becomes stronger. Now, I may say, as I have said just now, these appeals generally go to the civil court. I presume, then, on the same argument, if an appellant appeals to the District Judge against the Sub-Judge’s decision, and then goes to the High Court, and all these courts dismiss those appeals,

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that is an argument for proving that that man was in the right. I do not think such an argument as has been put before this House will appeal to a reasonable mind, unless you suppose that all, including the Government and the High Court in this country, are void of sense and it is only the unfortunate ryot who possesses that admirable quality.

Now, I give you a few facts about the Commissioners in this presidency and the Commissioners outside this presidency. In this presidency, unfortunately, there are only three, and on that account they are overburdened with work.....

An Honourable MEMBER : Four.

Mr. W. W. SMART : Three divisional Commissioners in this presidency ; I exclude Sind.

An Honourable MEMBER : There is a Suburban Commissioner ; four.

Mr. W. W. SMART : He is not a Commissioner ; and I may say that in other provinces the number of Commissioners is far greater than it is here. (Mr. H. B. Shivdasani : What is the population and area of those provinces ?) In Bihar and Orissa, in United Provinces and in Bengal there are both Commissioners and a Board of Revenue. In Madras it is perfectly true that there are no Commissioners, but the Collector gets Rs. 250 a month more than what he gets here and a Member of the Board of Revenue gets far more than what the Commissioner in this presidency gets, and I understand they get a special allowance for residence in Madras. In Burma there are 7 Commissioners apart from 2 Financial Commissioners, and there are 11 Commissioners in the United Provinces, against 3 here, or, if you take the Commissioner in Sind, 4. So that, I do not think that in comparison with other provinces, you can say that the Commissioners in this province are too many.

Now, it is a strange thing that, if Commissioners are so unimportant to the administration, when any trouble occurs, like floods or frost and so forth, the honourable members of this House in various districts come to the Commissioner, ask him to draw up proposals to Government and appeal to him in the matter. If an agricultural show or anything of that kind is taken up, the Commissioner has to do the work. In fact, if there is anything important in a division, the Commissioner is generally called upon to do it. Now, the Commissioners are not a new institution. They have been working in this presidency for years untold and I may quote the opinion of the Royal Commissioners on Decentralisation in 1908-09. That Commission—and we are always having the opinions of Royal Commissions quoted in this House when honourable members wish to attack Government—the Royal Commission on Decentralisation gave it as their opinion that the Divisional Commissioner was a most valuable link in the chain of administration, between the district administration and the headquarters administration of the Province. They emphasized their importance as the co-ordinating authorities in regard to special departments, and they expressed the view that the placing of districts directly under

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Government in revenue matters, would lead to further centralisation in the Secretariat.

Now, what alternative are you going to have to Commissioners? You are going to have additional Secretaries in the Secretariat. Now, I ask any one who has got any real knowledge of the ryot, to say whether the ryot would prefer to go to a Secretary to Government in the Secretariat or to a Commissioner. (Laughter). After all, it is possible for a ryot to see a Commissioner in the flesh far more often than my honourable friend Rao Bahadur Naik seemed to suggest. I do not know what sort of Commissioners go to district headquarters for two or three days on tour and never go anywhere else. I think if he had studied my programme, he would have found that I have visited innumerable taluka headquarters, and I think it is only a flight of his imagination when he says Commissioners spend two or three days in headquarters. If you are going to substitute Secretaries for Commissioners, as an Accountant General once said to me "whatever changes you may make in the administration in India—and I have a long experience of it—it will be a change for the worse, and it will cost Government more." He said "I have never known of a change which did not cost Government more than the previous arrangement," and I am perfectly certain that that is true. If this House abolishes us, abolishes the Commissioners, they will find that the substitutes will be far more costly and a far less sympathetic and inaccessible medium between Government and the people. That is a statement of fact, because of the high cost of living in Bombay. Supposing you remove the Commissioner's office, and abolish the Commissioner, and hand over his work to a Secretary, what is the result? The Secretary gets his headquarters allowance being in Bombay.....

An Honourable MEMBER : No.

Mr. W. W. SMART : And all the clerks in his office have to be paid more because they are in the Presidency town, and must get Presidency allowance, and you find the cost will be exactly double.....

Rao Bahadur B. R. NAIK : Does the honourable member suggest that the Secretaries ought to be abolished?

Mr. W. W. SMART : No ; I think they are excellent fellows, but they must be kept in their proper place. (Hear, hear ; and Laughter). One Honourable Member of Government, not very long ago, said to me (it is rather a compliment to us) that Government always approached the Commissioners' Conference on matters of great importance and that their opinion is generally accepted as the final word. There at least is a tribute from an experienced Member of Government as to the value of the opinion of the Commissioners, at any rate, collectively. I seem to be the bad boy of the family, I admit. We have heard a great deal about Bardoli, and I believe I was called the Buffalo-Tiger, but I am quite content to leave Bardoli to the verdict of history. The aftermath will be seen when the honourable members on the opposite side of the House get Swaraj. They will see whether when they get Swaraj they will be able to collect revenue with any smoothness and without



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recourse to coercive measures and whether then they will not be hoist with their own petard. However, let us leave personalities alone and take a graver view of the matter.

What are the duties of a Commissioner? First of all, he has to help Collectors. Every Collector is not by any means an experienced officer; it is very often that you get a Collector with very few years' experience, and if you were a Commissioner, you would know that Collectors come to the Commissioner on many occasions for advice as to what they should do. At any rate, the Commissioner is a person of considerable experience, which experience is most valuable to all Collectors and the Government in co-ordinating the opinions of Collectors in their divisions. Take local bodies. It is of course a fact that local bodies do not like Commissioners because school-boys do not like school-masters. In my division there is at least one local body which is represented here by the honourable member Rao Bahadur Naik, which is in arrears to the extent of Rs. 3,50,000, and whenever that municipality receives a gentle reminder, naturally they do not like it and perhaps that dislike is being exhibited in this House by the honourable member, but that does not prove that the Commissioners on that account are not necessary. As a matter of fact, I always make it a point to have a personal interview with the members of the local bodies and discuss with them all points which they wish to bring before me and to do my best to push through any schemes which they desire to promote. There comes in the personal touch. Whether you will get it with Secretaries to Government in future remains to be seen.

Every year, the administration becomes more complicated. Every year we have to deal with all sorts of technical subjects, we have to deal with all sorts of social problems, we have to deal with fresh aspects of the revenue administration; all these questions come to the Commissioners for treatment. All the questions which honourable members ask in this House come to the Commissioners and have to be sent on. . . . .

Mr. H. B. SHIVDASANI : The Commissioners are mere post-offices.

Mr. W. W. SMART : They are not mere post offices. They have to give answers to these questions and see that they are right. I can tell the honourable member that answering these questions gives me no little trouble and these questions throw much extra work upon the revenue officers. The introduction of reforms has made Government far more complicated. The Collectors are becoming less and less able to cope with the work. . . . .

Rao Bahadur R. R. KALE : There has been a corresponding increase, under the reforms, in the number of the members of the Cabinet and Secretaries to Government also.

Mr. W. W. SMART : But we have been told on the floor of this House that the Honourable Ministers are under the thumbs of the Commissioners and do exactly what the Commissioners tell them. That is one of the arguments which have been advanced.

I should like to know how you propose to promote the mamlatdars working in the divisions. Would it be possible for a Secretary to

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Government to arrange promotions? Would not the Commissioner, who tours round and inspects every taluka office and sees the mamlatdars personally, be better able to decide their promotions? What about the promotions of Aval Karkuns to the grades of mamlatdars? Would it be possible for a Secretary to Government to decide their promotions? One most experienced President of a district local board in my division told me the other day that he considered the Commissioner absolutely indispensable and he said "what we want to do is to see more of you, not less."

MR. K. F. NARIMAN (Bombay City, South) : Sir, again this is a matter which concerns more my honourable friends who represent the different constituencies outside the city of Bombay and therefore, so far I had refrained from participating in the debate on the subject, but, Sir, the honourable member the Commissioner, Northern Division, has enumerated a number of duties and responsibilities which these honourable members have to perform not in this hall but when they are on duty outside. I suppose because of these laborious duties for several months in the districts they enjoy a well-earned rest here, but the honourable member has forgotten some of the important duties which they have got to perform which perhaps are not seen on the surface, which perhaps do not form part of the official duties of the Commissioners and the Collectors but which, all the same, do occupy, I daresay, a considerable amount of their time and take away a good deal of their energy and attention. We are all concerned with these duties although we do not represent the mofussil constituencies. Whoever has a concern in the purity of the administration is concerned with these duties. Whoever desires that the purity and morality of the administration should be retained is concerned with these duties. You will remember, Sir, that we have always protested particularly in questions of nominations to local bodies and nominations to any other public institutions that this power of nomination, which is apparently enjoyed by Government on the pretext or on the ground that it serves a good and useful purpose in a cosmopolitan presidency or city like Bombay where there are numerous interests which could not be properly represented under a general electorate, where there are communities and classes which could not come in through the proper front door of election, is used to ensure that such interests are properly represented. We have often stated and complained that this power of nomination has been abused and very often abused by the powers that be and that it is often used in order to check, hamper, obstruct the legitimate nationalist and patriotic activities of the citizens. The honourable benches on the opposite side (Government) have equally protested that this is a false charge, that it is not true, that they have never abused their power, that they have always had one consideration in nominations and that is the consideration I have mentioned above. Today, Sir, I am in a position to prove by documentary evidence that this power of nomination has been abused by the higher officers in the districts including the honourable member who just resumed his seat (Mr. Smart) in order to obstruct the

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nationalist activities in their districts, in order to set up loyalist parties, in order to manufacture loyalist citizens, in order that the patriotic work of the citizens may be hampered. A question was asked by one honourable member, to which a reply was given as usual. We have lost all faith in these questions and answers. Very often they are absolutely false, they have been proved to be false in a court of law and it has been admitted in a court of law that a false answer was given by a responsible member in this House. Very often the questions are very awkward and inconvenient and therefore the answers given are evasive. Here is a question which was asked by an honourable member, I think, a few days ago, in this very House. The question reads :—

“Question : Will Government be pleased to state whether it is a fact that under instructions and with the help of Mr. W. W. Smart, I.C.S., Commissioner, Northern Division a Loyalist Party under the leadership of Khan Saheb Saherwalla, has been formed in Panch Mahals District of Gujerat to crush down the influence of the Nationalist Party working in the various institutions of the district.”

Reply : No.

The question is printed on pages 14-15, of the tenth list of questions of this session\*.....

Khan Saheb A. M. MANSURI : That is not true.

Mr. K. F. NARIMAN : The honourable member who tells me that that is not true must be in the confidence of this particular officer (Mr. Smart) and he tells me with authority which the honourable member Mr. Smart dare not challenge. Here he comes forward on behalf of the officer concerned and says that it is not true. I am glad that the challenge is made, because, as I said, I would not be so irresponsible as to make a statement of this description unless I had material in my possession, and unless I had satisfied myself as to the genuineness of the material. Without such authority, I can assure my honourable friends on the other side and on this side I would not venture to make a statement of this description. I have got letters in the handwriting of this gentleman, Khan Saheb Saherwalla, addressed to the Commissioner, Northern Division, the honourable member Mr. W. W. Smart, distinctly asking for the help of the honourable member to secure certain nominations in order that the loyalist party may be able to obstruct and hamper the nationalist party which has been formed and which is working in the municipal body in a particular district. Let the honourable member question the truth of this, or say that it is not true. Unless he proves that these documents are forgeries, there can be no reply to the statement which I am going to make. These are the letters to which I do call the attention of the honourable members on this side very seriously, and although I am not going to get any redress and I am not expecting any redress from the other side, let it be noted for the purpose of exposure.

Mr. W. W. SMART : Sir, I rise to a point of order. Does the honourable member make that allegation on evidence which is obviously false ? Where did he get the letter of Khan Saheb Saherwalla from ? If he got

\* Vide Debates of 2nd March 1929,

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it, did he get it out of my office? If he did not get it out of my office, how does he know the letter was delivered to me?

Mr. K. F. NARIMAN: I am in possession of the House, and I do not wish to yield to the honourable member.

The Honourable the PRESIDENT: A point of order has been raised.

Mr. K. F. NARIMAN: What is the point of order?

Mr. W. W. SMART: The point of order in this case is that this is not the question now before the House. The honourable member is now discussing another matter which ought to have been dealt with at question time.

The Honourable the PRESIDENT: The point of order is whether the honourable member is in a position to justify the statement he has made, and whether the Commissioner did receive the letter which the honourable member says was addressed to the Commissioner. If the honourable member has all those facts before him, it would be his duty to place them before the House. Beyond that, there is not any technical point of order which I have to decide.

Mr. K. F. NARIMAN: As I have stated, I stand here fully understanding my responsibility, and I am prepared to take all the consequences that may be visited upon me by the honourable member the Commissioner, Northern Division, or all the Government members put together. I have stated it before, and I repeat it again, that I am not going to be cowed down by these bluffing methods. I have got the material, and as I have stated I am not such an irresponsible member that I would venture to make a statement of this description unless I had in my possession material with which I am perfectly satisfied and which I am entitled to place before the House, whatever the consequences. As I stated, I have got letters, photos of the letters in the handwriting—the originals can be produced for the satisfaction of any honourable member who desires to have inspection—of the leader of the loyalist party, requesting the help of the Commissioner, Northern Division, in order to crush the aims and objects of the nationalist party in the municipality of a particular district. Let the opposite side prove them to be false. I am prepared to accept the challenge.

The Honourable the PRESIDENT: The point I should like to be satisfied about is whether the relevancy of those letters is in order, and if the honourable member can assure the House that the Commissioner did receive those letters.

Mr. W. W. SMART: Even if I had received them, it does not prove anything.

Mr. K. F. NARIMAN: The honourable member should face the allegations which I boldly make instead of raising technical points of this description. I have got letters in the handwriting of Khan Sahib Saherwalla addressed to the honourable member the Commissioner, asking his help for the nomination of certain members of the Khan

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Saheb's choice, whose names he has mentioned, and telling the Commissioner that if he nominated those members the nationalist party can be crushed, and thanking the Commissioner for the help which he has been giving in all the nominations according to the choice of the loyalist party. These are the letters which I have got. I am prepared to give them to any honourable members if they want to prove that they are forgeries, and I am prepared to take the consequences of that. If the honourable member wants the originals, they will be shown to him.

The Honourable Mr. J. L. RIEU: That is not the reply to your question, Sir. He is evading the point.

The Honourable the PRESIDENT: One point which would certainly justify the relevancy of a reference to a letter like that would be to satisfy me that the Commissioner has received that letter.

Mr. K. F. NARIMAN: We are not in a court of law tendering a document to be proved in a case in a particular manner. As I stated, I am a responsible member of this House; I make that statement, and I take the responsibility for that statement. . . . (Interruptions). I will not listen to any interruptions from the other side. I will take a ruling from the Chair. I have been asked how I am in a position to say that the letter has been received. I will be able to prove, Sir, that the contents of the letter have been acted upon, and therefore the presumption follows that the letter has been received and read by the Commissioner. These letters are genuine. They are in the handwriting of the gentleman whose name I have mentioned, and they are signed by that gentleman. Therefore unless they are proved to be forgeries, unless an effort is made to shut them out from the House, I am entitled to refer to them.

The Honourable Mr. J. L. RIEU: I submit, Sir, that the point of order still stands.

The THAKOR OF KERWADA: I want some information from the honourable member. Will he inform the House how he came to possess the letters that were addressed to the Commissioner?

Dr. M. K. DIXIT: That is not a point of order.

Khan Saheb A. M. MANSURI: I rise to a point of order whether the letters are on the table of this House.

An Honourable MEMBER: That is not a point of order.

Mr. K. F. NARIMAN: I will not submit to any further cross-examination. These letters, as I was saying, are genuine letters, and I repeat I am prepared to show them to any honourable member who is prepared to challenge them and say that they are not genuine. I am in a position to show the originals of these letters with the signatures, if anybody challenges that they are forgeries, and if they are proved to be forgeries, I am prepared to take the full responsibility of that. The first of these letters is dated the 8th March 1928. It is written by the gentleman whose name I have mentioned, to the Commissioner,

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Mr. W. W. Smart. I am only trying to prove that the replies given to the question are not correct. He says :

" Most Respected Sir,

I have great pleasure to inform you with all the thankfulness that the school board election can be said to be in favour of my party. Out of 10 seats we have secured 5 and one seat in dispute, the president has knowingly rejected one of our votes and we propose to go to court, if we succeed there, there would be equal voting and casting of lots; and still it is an uncertainty. I and my party cannot forget your honour's obligation but we have to trouble your honour once again to arrange for at least two nominations. If that is done we will secure our aim of ousting the present chairman of the school board. I would like to see Mr. Mackie in a couple of days to request him in the matter. But I shall feel obliged if you will write to Mr. Mackie, that he might strongly propose the names of persons whom I recommend. I will see him after I hear from your honour. If I myself and one another be nominated, I have a chance of a chairman easily."

And the gentleman was duly recommended, and the other gentleman whose name was suggested was also recommended. The other letter is dated the 22nd July 1928.

Khan Bahadur M. S. KHUARO : Sir, I rise to a point of order. Is the honourable member right in reading a letter before this House, the original of which he does not possess ? He is only producing a photo, which may or may not be true, and since the original letter has not been shown, I submit he should not be allowed to read such a letter before the House and make allegations which may be false.

The Honourable the PRESIDENT : It can be left to the House to decide it, and for the honourable members on this side (Government side) to contradict it. I do not see yet that there is a real point of order raised either by the honourable member the Commissioner or the Honourable the Leader of the House. The honourable member has said that he takes the fullest responsibility when he makes a statement that those letters are genuine. It should now be left to the House.

Mr. K. F. NARIMAN : Mr. President, there is very little time to waste in such useless points of order. This is the second letter, addressed to the same officer.

" Godhra, 22nd July 1928

" Most Respected Sir,

" Today I have heard that the Collector does not wish to have any officer nominated in the municipality and in their place two men Amulakhrai B. Desai and Bohra Mahomedali Samsudin or Taiyabali Sheikh. Kamroodin have been recommended.

" If so all these three have got leanings towards Mukadam's party and they will act according to Mukadam's advice and will be a sort of trouble to Loyalist Party. Two officers, one civil surgeon and an engineer, are of utmost importance in the municipal board and they should be nominated.

" The Collector is a new officer and hence he does not know people of this place and he must have proposed the above names."

Now, these are the letters. I again repeat that if honourable members desire to be satisfied about their genuineness, I have got the photos of the letter in the handwriting and signature of the gentleman; if the honourable members desire to see the originals, I undertake to produce them and place them on the Council table. My methods are not going to be such as those adopted by honourable members on the opposite side. Nothing underhand; I am not going to conceal anything....

The Thakor of KERWADA : How have you got these letters ?

An Honourable MEMBER : National C. I. D.

Mr. K. F. NARIMAN : The honourable member can play the C. I. D. if he desires it ; anybody else can play the C. I. D. if they desire. But that is not the point before the House. If these letters have been obtained illegally and wrongfully the courts are open against the man who committed the crime, and the man who has committed the crime will certainly take the consequences.

Mr. W. W. SMART : The honourable member is not accurate. (Inaudible). Anyone is at liberty to write any letter to me, but I may throw it into the waste-paper basket. I do not remember receiving these letters. I might have received them, but if I did, I must have also thrown them into the waste-paper basket. I receive all kinds of letters recommending persons for nomination from all kinds of people.

Mr. K. F. NARIMAN : I do not dispute that ; the honourable member might have consigned them to the waste-paper basket. Probably these are the tragedies of the waste-paper basket. I hope the honourable member will in future be careful before he puts them in the waste-paper basket. That is, however, not the point now. We are now considering the necessity of retaining the posts of Commissioners. Honourable members have raised several arguments as to why these posts should not be retained. They have shown that the Retrenchment Committee have also recommended that these posts are not necessary and should be done away with. I am now pointing out further reasons why these posts are not necessary ; I am pointing out that they are not only superfluous but in a way very harmful. I am pointing out how some of these officers are making use of these posts for serving purposes and things which are not within the purview of their official capacity. We have repeatedly stated here that these nominations are made with an object and that object is political. Here, Sir, we have got personal letters addressed by the head of the Loyalist party to the head of the administration thanking him for the nominations he made, and recommending further nominations and stating that the three persons recommended by the Collector should not be nominated as it will put the Loyalist party in a minority. These are the letters before the House, and unless they are proved to be forgeries the House must accept them. The originals will be produced if necessary and any responsible person who knows the handwriting and signature of the gentleman concerned can examine them ; I challenge anybody to prove that they are forgeries. We have got various activities of various executive officers, and one complaint which non-official members have always been making is the mixing up of executive and judicial functions in one and the same officer. Whenever there is illegality in the procedure of the municipality, the proper procedure is for the party aggrieved to go to a court on appeal before the judiciary. Whether he is a mamlatdar or a district magistrate, whenever he is sitting as a magistrate he can take cognizance of the matter as judiciary. Here we have not that. Here

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we have an interested party seeking redress in other manners which are certainly questionable to say the least, methods which lead to the destruction or dissolution of the Nationalist Party which is conducting patriotic activities in various districts.

I do not think the honourable mover of the motion is going to ask for a division ; it is no use asking for a division, for whether we carry the motion or not, the result is the same constitutionally. But these are matters which Government have got to look into, if they are interested in the purity of the administration. It is their concern, not ours. They should not shut their eyes to facts brought before the House. The Honourable the Home Member this morning said that if there are any defects as dark side to a question they should be brought to light. I repeat his own argument, if you find any defects, that is how he tried to justify the action of the assistant oriental translator, you should correct them. These are facts ; face them ; see whether they are true or false ; if they are true for the sake of your own purity, take the steps which you are bound to take as responsible Members of Government. If they are false, you certainly may take steps against the persons who make use of such false information and produce fabricated documents. That is the proper way to deal with such matters and not by raising technical points of order especially when ugly facts which are not palatable are brought to notice.....

Mr. W. W. SMART : I object, Mr. President, to the expression " ugly facts."

Mr. K. F. NARIMAN : I do not want interruptions. Whatever he has got to say may be stated by the Honourable Member of Government. The Honourable Member of Government has got the right of reply and I do not want to deprive him of the last ten minutes that he has. I do not want to play a block game. I will now resume my seat, so that honourable members on the other side may have a chance to explain if they do desire to give an explanation in such a serious matter.

The Honourable the PRESIDENT : I have to explain to the House the position we are in with regard to the debate under this head. It started yesterday at 1-35 and therefore two days will end to-morrow at 1-35. If to-morrow the question list is taken up honourable members will have only five minutes for debate. That is impossible, because the mover of the cut should have his say and the Honourable Member in charge will have to give his reply. I therefore suggest that the question list be omitted to-morrow. That half an hour saved by the omission of the question list may be utilised by the honourable mover of the cut and the Honourable Member in charge. No other speeches will be allowed.

55-Irrigation will be taken up next. The debate on 55-Irrigation will close exactly at 6 o'clock. His Excellency the Governor, I presume, has intimated to this House through the Honourable the Leader of the House that he has allotted one day for the discussion on 55-Irrigation taking that item before its proper time in deference to the wishes of the House. According to rule 29 he can allow at the most



[The President]

two days, but he can allow a lesser period than that, and he has fixed one day for this demand.

Is the honourable member Khan Bahadur Khuhro prepared to finish his speech within ten minutes ?

Khan Bahadur M. S. KHUHRO (Larkana District) : Yes, Sir. I want to participate in this debate with a view to explain certain Sind matters. The question before the House is with regard to the appointment of Commissioners. If there is any case at all for the abolition of the post of Commissioner, it is much more relevant and appropriate in the case of the Commissioner in Sind. Looking at the white book we find that the expenditure for the Commissioner in Sind is Rs. 2,85,000 out of a total provision of Rs. 5,96,000 for the four commissioners. That is to say the total cost of the Commissioner in Sind and his establishment comes to nearly half of the total expenditure. The most regrettable thing of all is this. At present for obvious reasons corruption in the administration of Sind is very high and so, there appears to be no necessity to retain the Commissioner in Sind who is not able to stop corruption. If 10 or 20 years ago a similar question had come before the House, I would certainly have opposed it. We are not at all convinced whether under the present administration and under existing conditions there is any necessity for the retaining of the post of Commissioner in Sind. One honourable member from Sind has clearly mentioned the fact that the sumptuary allowance, expenditure on excursion boat and other expenditure incurred by the Commissioner in Sind comes to the same amount, if not more, as the expenditure of the Governor of the province of Assam. The difference between the Governor of Assam and the Commissioner in Sind is that the former is responsible to a legislature while the latter is responsible to none. Even the Governor of Bombay, as the head of a big presidency like this, is responsible to this House, to a great extent whereas the Commissioner in Sind has absolutely no legislature, no unofficial agency to advise him in any matter. He has got much more and extraordinary powers than the commissioners of the other divisions. While it is a fact that in all matters of administration policy is enunciated by the Bombay Government, in Sind it is only in name that the policy is enunciated by Government but in fact everything is done by the Commissioner according to what suits him. In most instances the Commissioner in Sind has not carried out the policy enunciated in its true spirit. (Interruption.) No interruption please.

Honourable members are aware that the policy of Government in Sind is that 50 per cent. appointments in the subordinate public services should be given to Mahomedans. This has not been thoroughly respected by the Commissioner. From the replies given to questions in this House it will be seen how small the number of Mahomedans is in the public services in Sind. Many honourable members who preceded me have rightly remarked that in 99 cases out of 100 he upholds the decision of the Collector in the matter of appeals. This very badly reflects on the poor people. They look upon the Commissioner as the highest authority and appeal to him, where they are dissatisfied with the decision of the

[Khan Bahadur M. S. Khuhro]

Collector. It is deplorable that the Commissioner does not invariably interfere with the decision of the Collector in cases where he should. He is often guided by the Collector or his office. It becomes an expensive matter for these poor people to prepare applications for appeal against Collector's decision which ends in nothing and thus it is very uneconomic for poor people. Therefore I think that it would be much better for the province of Sind, if the Government of Bombay have greater control in shaping the policy and interfering with the internal administration of Sind.

Lastly, I would like to bring to the notice of Government that in the matter of higher appointments such as deputy collectors and others, no effort is made to select the best men. Such people who have earned a notoriety for corruption are appointed in those places merely on the ground of seniority without any reference to their qualifications. Before this, best men used to be selected for such high appointments. Therefore I strongly urge on the Government that the special powers of the Commissioner delegated to him by the Special Act should be abrogated at an early date and he should have only powers like the Commissioners of the other divisions of the presidency. With these few remarks I take my seat.

The Honourable the PRESIDENT : The House is adjourned to 1 p.m., to-morrow, Friday, the 8th March 1929.







*Friday, the 8th March 1929.*

The Council re-assembled at the Council Hall, Bombay, on Friday, the 8th March 1929, at 1 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ADDYMAN, Mr. J.  
AHMAD, the Honourable MOULVI RAFIUDDIN  
AMIN, Mr. H. J.  
ANGADI, Rao Bahadur S. N.  
ASAVALE, Mr. R. S.  
BALAK RAM, Mr.  
BECHAR, Mr. N. A.  
BHOOLE, Mr. M. G.  
BURGER, Mr. J. W.  
BUTTO, Khan Bahadur S. N.  
BYARANI, Khan Bahadur SHEER MUHAMMAD KHAN  
BOLE, Rao Bahadur S. K.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DABHOLKAR, Sir VASANTRAO  
DAWOODKHAN SHALEBHOY, Mr.  
DESAI, Mr. B. T.  
DESAI, Rao Saheb D. P.  
DESAI, the Honourable Dewan Bahadur HARILAL D  
DESAI, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DIXIT, Dt. M. K.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HAIDAR SHAH, Mr.  
GHULAM HUSSAIN, the Honourable Sir  
GHULAM NABI SHAH, Khan Bahadur  
GILDER, Dt. M. D.  
GINWALLA, Mr. F. J.  
GUNJAL, Mr. N. R.  
HAJI MIR MAHOMED BALOCH, Mr.  
HARRISON, Mr. C. S. C.  
HOTSON, the Honourable Mr. J. E. B.  
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
JADHAV, the Honourable Mr. B. V.

JAIRAMDAS DOGLATEAM, Mr.  
 JANVEKAR, Mr. D. A.  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHHO, Khan Bahadur M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LAIRD-MACGREGOR, Mr. E. G.  
 LALLJEE, Mr. HOOSEINBHoy ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LIGADE, Mr. S. P.  
 MACKIE, Mr. A. W. W.  
 MACLACHLAN, Mr. D.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SAKARLAL BALABHAI, Mr.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SHROFF, Mr. CHHOTALAL R.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.

SOLANKI, Dr. PURUSHOTTAMBAI G.  
 SURVE, Mr. V. A.  
 SWAGINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 SYED MUHAMMAD KAMIL SHAH  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Sahab R. V.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.  
 WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, Order.

Mr. W. S. MUKADAM (Panch Mahals District): Before we proceed I would like to know from the Honourable the President whether it will be the dignified procedure of this House when one honourable member makes a speech vehemently against a motion or cut, and at the time of voting, the same honourable member votes against his own speech. I want to know whether this is considered a dignified procedure and allowed in this honourable House (Laughter).

The Honourable the PRESIDENT: I have referred to the matter on another occasion. It may be remarked that this has happened not only in this House, but in other Houses also (Laughter). I have looked into that point, but I could not find any definite ruling, although I have noticed one particular instance in Erskine May's book. That is this, that an honourable member while shouting out to "Ayes" or "Noes"—I do not exactly remember which it was—shouted with one group and voted against it. A point was raised as to whether he could do it. The Speaker of the House of Commons was not very certain whether he could do it or not, but he thought that that was for certain not the right thing to do. Much more would it be so in the case of the honourable member who has made a definite speech, but this is a matter more for the honourable member's own consideration. Action of that kind does certainly not add to the dignity and the tone of the House. But I am afraid I cannot lay down a hard and fast rule on this point.

The Honourable Mr. J. L. RIEU: May I suggest, Sir, that the arguments of the other side had an effect on the views of the honourable member concerned? (Laughter).

Question again proposed:

Omit entire grant—Provision under "D.—Commissioners" (C. E. page 97).

Mr. H. B. SHIVDASANI (Surat District): I think the honourable the Leader of the House must have noticed that in the debate on this cut almost all the honourable members of this House who partook in the debate except the honourable the Commissioner, Northern Division, have supported the proposal. It is but natural that the Commissioner,



[Mr. H. B. Shivalasani]

N. D., should oppose the proposal. As a matter of fact the honourable member from Kaira (Rao Saheb D. P. Desai) has already told us that the Commissioners will be sure to protest that they are very useful. It is very significant that almost all the non-official members of this House who have taken part in the debate have supported this proposal for a cut. The Commissioner, Northern Division, has told us that there are at present too many appeals and the mere fact that the man appeals again and again does not show that he has a good case. I agree with him on this point. That is exactly why I want the Commissionerships abolished. By abolishing the Commissionerships we will abolish one appeal, and we will have saved both the time and energy of the people who have occasion to appeal. The Commissioner has told us that they are very useful but has not explained in what way they are useful. He has not shown very good grounds for the retention of the Commissionerships. As a matter of fact if I had any doubts before about the utility of having Commissionerships, those doubts have now been set at rest by the arguments advanced by him. The Commissioners might have been useful in the past in the evolutionary stage like the Appendix which as doctors know, is not useful now and can easily be cut off. On the contrary it is a source of danger and harm. He has further told us that if the Commissionerships are abolished, what will you do if you have agricultural shows? I am really surprised that the honourable member occupying the position of Commissioner should advance such an argument. The show is supposed to be non-official, and I am quite sure that if there had been no Commissioner, the show would have gone on just the same. After all how many shows are there? There are not so many in number as to justify the retention of such a highly paid officer and spending so much money. He has further quoted the opinion of the Decentralisation Commission. That Commission sat many years ago and expressed its opinion about twenty years ago, and even the Commission said that they were only useful links. The question now is whether we would be justified in spending so much money on these links. At present we do not stand in need of such links. He has told us that the Commissioner always goes and visits all the taluka towns and district towns. Well, I say from my own personal experience that it is not correct. I was at Surat from the end of 1916 to 1922, and during that time the Commissioner hardly visited Surat district once or twice. Even that was only for a short period. Even when the great campaign of civil disobedience was being carried on by Mahatma Gandhi the Commissioner never showed his face even once. I do not say that by his not coming there matters did not go on well. I only say this so far as the Commissioner's tour goes. His tour does not serve any useful purpose. He has further told us that it is more easy to see the Commissioner than to see the Secretary to Government. He then told us that the Revenue Secretary should be kept in his proper place. I will leave that matter to be decided between the Commissioner and the Secretary, Revenue Department, both of whom are well able to take care of themselves. But I must say this much that the people find it much easier to see the Honourable the

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Revenue Member. I may give my own personal example. During the last five or six years not once have I been inclined to go and discuss any matter with the Commissioner, but I have had several discussions with the Honourable the Revenue Member, the present Leader of the House as well as his predecessor. The Commissioner's appearance is usually very forbidding and uninviting (Laughter) and being a very sundried bureaucrat he puts on too many airs and when even members of the Legislative Council do not feel inclined to go and see the Commissioner, I do not see how the poor cultivator can be expected to go and see the Commissioner. Further under the Council procedure we have got direct connection with the Honourable the Revenue Member. If we receive any petition we are supposed to send it on to the Honourable the Revenue Member. At present we are not supposed to send it direct either to the Commissioner or to the Collector, and I know from my own personal experience that both the Collector and the Commissioner would strongly resent honourable members of this House passing on any communications to them direct. I may assure him both on my own behalf and on behalf of the people of the district that they would rather go and see the Honourable the Revenue Member who is more accessible, more sympathetic, who is not so very forbidding and uninviting as the Commissioner, who, living in the divisional Headquarters thinks he is the monarch of all he surveys and is inclined to put on airs. So I am quite sure looking at the matter from that point of view of the people's grievances they can be better ventilated and brought to the notice of the Government more easily if the Commissioners did not exist.

Further the Commissioner has told us that the opinion of the Accountant General was that every change meant an increase in expenditure. Well, no member on this side of the House would make such a charge against the Government, and it is for the Government to state clearly whether this charge is justified. This change would mean a change which is intended as a measure of retrenchment. He said that if we abolish the Commissioners, Government would find out another scheme which would cost us more. I think that is a very serious charge for a Commissioner to make against Government. It is strange that when we propose the abolition of certain posts as a matter of economy and retrenchment the Commissioner should say that instead of there being a saving, on the contrary, the expenditure will go up. The Commissioner, N. D., has told us further that he has been the object of attack in the course of this discussion, but, that as he is a very bad boy and has got used to such attacks, he does not mind them. This reminds me of a case which I had occasion to try. There, one man had been struck three times with a stick about three or four inches in diameter; each time he was struck, the stick broke, but his head did not break; at the most he got a contused wound. This means that whatever criticisms we might make, it will not affect him and he will go on as he is. He further told us that he would like to see how under the Swaraj Government we are able to recover land revenue from the peasants of Bardoli

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and other people like that without having recourse to coercive processes. Well, it is very easy to give a reply, which cannot help being hypothetical. First of all, our land revenue policy would be controlled and guided by the representatives of the people. It will be more sympathetic, and even if there is occasion for having recourse to coercive processes, we will not be so wicked or so brutal as to inflict Pathans on the people, as to catch hold of their buffaloes and to distrain even such absolutely necessary things as cooking utensils, articles of dress, and so on. We would never like to inflict such harassments. We would never like to harass people by sending Pathans to the villages. I can assure him of this, that the people would certainly be much happier, and, if he is fortunate enough to be alive then, I would certainly welcome him to come and see whether we are able to manage our show much better than they are doing at present. He was trying to explain to us what were the duties of the Commissioner. At that time my honourable friend from Kaira said that the Commissioner's duties are practically nil, none; and when he explained the duties, I also came to a similar conclusion that the Commissioners had practically nothing to do. Though the Commissioner might be doing a lot of work, that work does not assist to a material extent in the administration. He told us they are very experienced officers, but the services of such experienced officers could be utilised in other capacities. He has told us that the opinions which the Government get through these Commissioners were found to be very valuable. Well, even if the Commissioners were abolished, the same senior civilians would be in Government service and the opinions of those officers could be made available to Government. He told us that the Commissioner had to see whether the answers to be given to honourable members' questions were right. I believe a Collector is certainly competent enough to see whether the questions are properly answered; we do not require the Commissioners for that purpose. He further told us that the school boards and the local boards and other people did not like the Commissioners because they were like schoolmasters. But the honourable member Mr. Nariman has explained to us how the existence of the Commissioners helps the local boards in their administration. He has shown that instead of assisting the local boards they are a great hindrance; that they on the contrary put a sort of barrier between the district local boards and the Minister. Really speaking, there must be more contact between Ministers and the local boards and there should be no intermediary like the Commissioner. Taking all these things into consideration, I think the time has now come when these posts should be abolished. There is great financial stringency and we cannot afford to have these luxuries, and like the appendix they should now be cut off.

The Honourable Mr. J. L. RIEU: Mr. President, in the first place, I must thank the honourable mover for the entirely unsolicited testimonial with which he has presented me. Now, I find myself under the necessity of referring to the speech made by the honourable member Mr. Nariman in the course of this debate. That speech was altogether irrelevant to the question under discussion, because the question whether a particular

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Commissioner on a particular occasion may or may not have committed this or that act, whether good or bad, has absolutely nothing to do with the question before the House, namely, whether the posts of Commissioners should be retained or abolished. I find it necessary to make this reference because the honourable speaker in question thought it fit to bring a very grave charge against Government. He specifically accused Government of having made a false statement in reply to a question addressed to them by an honourable member of this Council, this false statement being made on false information as—this was what he suggested—supplied to them by the Commissioner of the Northern Division. This is a charge which I utterly and most emphatically repudiate. What proof, I ask, has the honourable member brought forward in support of this charge? He says,—and I am quite willing to believe him there,—he says that he has in his possession photographic reproductions of certain letters addressed by a third person to the Commissioner. Well, what proof is that? Any Tom, Dick or Harry can write any sort of tomfool letter he pleases to the Commissioner. In what way is the Commissioner implicated by such letters? In what way is he responsible for the contents of such letters? Mr. Nariman has not even proved that the letters in question ever reached the Commissioner, though even if it were proved that they had, that again would prove nothing. And here I should like to ask the honourable member how he came into possession of these photographs of letters addressed to the Commissioner. Surely, there must have been foul play somewhere. Possession of the letters could not possibly have been obtained honestly. Therefore, I say the honourable member, in bringing this charge against Government without any substantial proof in support of it, has laid himself open to very serious criticism. I challenge him to make the same statement outside the House, where he will not be sheltered by the privileges attaching to the honourable members of this House.....

Mr. K. F. NARIMAN: I have faced prosecution once, and I shall face it again if Government want to try it.

The Honourable Mr. J. L. RIEU: Well, so much for the honourable member Mr. Nariman's speech. Now, I come to the real question before the House, namely, whether the Commissioners should be retained or abolished. Now, in the first place, I may point out that the vote of this House or the present motion for reduction of the demand cannot possibly decide the matter, even supposing for a moment that Government were not disposed to certify the demand. There are a number of statutory enactments which render the existence of the posts of Commissioners absolutely necessary. Certain duties have to be performed by them under those enactments. There are certain things which must, in the interests of the administration, be done by the Commissioners and which, according to the law, only the Commissioners can do. (Mr. H. B. Shivdasani: The enactments can be amended.) However, I am not going to take my stand on that technical ground. I am quite willing to

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discuss this question on its merits. Now, it seems to me that the weakness of the case presented by honourable members opposite lies in the fact that, in their violent antagonism to the existence of these posts of Commissioners, they have attempted to prove too much. This is the pitfall into which they have fallen. On the one hand they want to make out that the Commissioners are powerful personalities acting autocratically and dominating Government. That is one aspect of the case. On the other hand, they represent the Commissioner as useless and impotent creatures, subservient to the Collectors, mere figure-heads and post offices. That is the other side of the picture. In support of the first proposition let me enumerate a few of the assertions that have been made by honourable members on the opposite side. They say (one particular honourable member from whom I am quoting) that the opinions of the Commissioners carry too much weight with Government. They say that they, the Commissioners, interfere unduly with the discretion of the Collectors. They say that they have so many and such important duties to perform that they are unable to go personally into any other questions that are brought before them. They say that the Ministers are being cowed down into accepting their recommendations for nominations to public bodies. We have been told that the Commissioner in Sind is "a despot in a desert," that he is not responsible to Government or to this Council, and so on and so on. And what have we had represented to us on the other side? It is asserted that these Commissioners, these autocratic personages, never interfere with the decisions of Collectors; that they are so subservient to them that they automatically hand out stereotyped replies to appellants saying that they see no reason to interfere with the decision of the Collector. We have been told that they are mere post offices, useless creatures, parasites on the administration.

Now it is perfectly obvious that the truth cannot lie with both of these conflicting propositions. They are so diametrically opposed to each other as to be mutually destructive. Is it not reasonable then to infer that the truth lies with neither of them? In fact both of these two conflicting views regarding the position and functions and methods of work of the Commissioners are entirely erroneous and unjustifiable. It is impossible for me within the very short time allotted to me before this debate must close to deal with all the wild assertions that have been made in depreciation of the Commissioners. I should have liked more particularly to deal with those made by the honourable member Khan Bahadur Khuhro, because they appear to me, in their references to the Commissioner in Sind, to be of a particularly extravagant and exaggerated character.

However, let us turn from this welter of wild irresponsible and extravagant generalisations and get on to the safer ground of commonsense and reasonable argument. I may here remind this House that the question of the retention or abolition of Commissionerships has been discussed over a long time in many places and by many various authorities. We

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have already heard a reference to the opinion expressed by the Decentralisation Commission which sat some years ago; subsequently there was an important debate on the subject in the Legislative Assembly, as a result of which the Government of India addressed the several provincial Governments on the question and considered their replies. In due course they came to the conclusion that the Commissionerships could not be abolished. More recently, in our own Presidency, a Retrenchment Committee has sat on the subject and considered it, while, more recently still, our Retrenchment Officer, Mr. Shillidy, has considered the question. I am not going to refer at the present moment—I would not have time to do so—to any of the opinions expressed on these several occasions and by these several authorities; but I should like to quote at some length from the opinions expressed by a certain honourable non-official member of this House, an active member of the United Nationalist Party, I refer to the honourable member for Belgaum, Mr. P. R. Chikodi. I hope he will allow me to quote.

Mr. P. R. CHIKODI (Belgaum District): By all means. I stand by that opinion to-day.

The Honourable Mr. J. L. RIEU: I am glad to hear that, because that opinion, if I may say so, is one which is peculiarly sound and peculiarly well-expressed. This is what Mr. Chikodi says in his minute of dissent attached to the report of the Retrenchment Committee:—

“The Presidency of Bombay is divided into four divisions which differ from one another geographically, linguistically, economically and in several other ways. This is the feature which is specially characteristic of this Presidency, and should be borne in mind when we attempt a comparison with the other Presidencies. The second thing to be noted is (1) that there are matters which affect the people of a district or of some talukas in a district only and which are generally called local matters, (2) that there are matters which affect the people of two or more districts, such as famines, etc., (3) and lastly those matters which affect the larger part of the Presidency or the Presidency as a whole. If the two circumstances that I have mentioned above are admitted, then the necessity of one supervising and co-ordinating officer for each territorial division between the Secretariat on the one hand and the district officer on the other is obvious. The present territorial Commissioners fulfill this part and the abolition of these Commissionerships or their transfer to the Secretariat will be a serious blunder. The Collector must be the executive authority for his district, the territorial Commissioner for his division, and the Secretariat for the Presidency. This is the most natural system which has worked well till now and which will become more efficient.....

Then further on, Mr. Chikodi says:—

“In the place of the present territorial Commissioners, the Committee has proposed their transfer to the Secretariat as Commissioner-Secretaries. This will mean that there will be no officer to control and co-ordinate the work of the Collectors, whose decision and judgment will necessarily be coloured and tempered by the narrow view confined within the four corners of their districts and who cannot be expected to take that broader outlook of affairs which a territorial Commissioner is in a position to take. It must be remembered that the territorial Commissioner in this Presidency is responsible for the administration of his division and hence a much bigger officer than the Commissioners in other Presidencies, where their duties are only confined to revenue matters, and where they are styled as Revenue Commissioners. Here the territorial Commissioner has touch with matters falling within the purview of almost all other important departments within his division. In Forest Department he is the controlling authority except in purely technical matters. He has a recognised position in the administration of the Police Department in the Presidency, which is not to be met with elsewhere. I do not believe that any case has been made out to justify the abolition of these territorial Commissionerships except it

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be to secure retrenchment by sacrificing usefulness and efficiency of the whole administrative machinery. In my opinion considerable retrenchment is only possible without loss of efficiency if the territorial Commissioners are retained."

I will make one more quotation from Mr. Chikodi's minute. He says :—

"The territorial Commissioner residing in his division will not, whenever a question arises, consider it from the view-point of any particular subject or department, but will view it from a broader outlook of the general circumstances of his division as a whole. This is one of the reasons, I think why he has been given the position of a controlling officer in forest matters. Differences have arisen in the past and will arise in future, between the Collector of a district on the one hand and the Conservator or Divisional Forest Officer on the other; or between the Forest Officers and the people. It has been found, under such circumstances, that the territorial Commissioner has played a very useful part in settling the differences; and I believe he has been able to do so largely because he has approached the problems from the view-point of an officer responsible for the general administration of his division. The opinion of the territorial Commissioner has behind it the force of personal knowledge, broader outlook and freedom from any departmental bias."

Well, I have quoted these opinions of Mr. Chikodi not simply because they happen to have been uttered by Mr. Chikodi as a non-official member of this House, but more particularly because in my opinion, they constitute a very reasonable and lucid statement of the whole case. Only one more point in conclusion.

Could there have been, I ask honourable members, a more signal instance of the utility of a Commissioner than has been presented in the course of this session to the eyes of honourable members themselves? I refer to the manner in which the present situation in Gujarat arising from the frost has been dealt with. Most honourable members from Gujarat have expressed their appreciation of the promptness and the generosity with which Government have issued orders for giving relief in the particular circumstances of the case. Now, I ask honourable members, would it have been possible to bring out these orders as rapidly as they were brought out and with the same degree of satisfaction to the representatives of Gujarat if there had been no Commissioner of the Northern Division?

An Honourable MEMBER: Yes.

The Honourable Mr. J. L. RIEU: Supposing I had had to make references by correspondence to each individual Collector concerned in Gujarat, I ask honourable members, how long would it have taken to arrive at a decision? As a matter of fact, we were able, the Commissioner of the Northern Division and myself, with the assistance of the Commissioner of the Central Division and the Settlement Commissioner, to arrive in the course of a few hours at decisions which have been, I believe, satisfactory to the people as well as to Government. I do not think I need give any concrete instance better than that of the utility of Commissioners.

Question put and lost.

Demand for Rs. 1,01,56,000 under 22—General Administration put and carried.

The Honourable Sir GHULAM HUSSAIN: Sir, I move for a grant of Rs. 22,70,000 under Irrigation, except Lloyd Barrage, reserved, 55—Construction of Irrigation Works.

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Sir, out of this amount, Rs. 10 lakhs are for improvements to the Fuleli Canal, for which a scheme has been placed before this honourable House. Before I explain the scheme in detail, I would request this honourable House to decide this item on its merits, and not on any extraneous considerations. In this world, Sir, one who cries the loudest is heard the most, and honourable members are aware that only those who represent the head have cried out the loudest, as their deputation is here, waiting for a long time. It is the head that is represented in this Council. It is the head that has sent the deputation; it is the head that has represented the case to you. But I will presently place before the House the case of the poor folk at the tail.

Now, this honourable House will note that the Fuleli was originally a kharif canal. But owing to the excessive draft of water at the head, the agriculturists at the tail did not get enough water for their kharif. Therefore these poor folk at the tail were obliged to resort to rabi cultivation. When the proposal for the Sukkur Barrage was considered by Government, the zamindars on the Fuleli, especially at the tail, demanded that their interests should be safeguarded, and the Government, my predecessors in office and the Governors of the Province, from time to time gave assurances to the zamindars that their rabi cultivation would be turned into kharif by improving the Fuleli.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): Government have stated that the Fuleli canal is not in danger on account of the Sukkur Barrage, and that the canal will get enough water.

The Honourable the PRESIDENT: Order, order. Let the Honourable Member proceed without interruption.

The Honourable Sir GHULAM HUSSAIN: I do not want these interruptions. Now, Sir, I put it to this honourable House that at present rabi cultivation on the Fuleli is over 1 lakh of acres, and we are told definitely that, after the operation of the Sukkur Barrage, which will commence in 1932, there will be absolutely no rabi cultivation.

Mr. JAIRAMDAS DOULATRAM: On a point of information. I do not want to interrupt the Honourable Member, but I want some figures.

The Honourable Sir GHULAM HUSSAIN: I will let you have them presently.

Mr. JAIRAMDAS DOULATRAM: Does the Honourable Member know what I want?

The Honourable Sir GHULAM HUSSAIN: Yes. Now, how are we to proceed? We are now in 1929. There are only three years more for the Barrage to come into operation, and these poor folk, the holders of one lakh of acres of rabi land, will not get any water, unless within these three years we make the improvements provided in the scheme, so as to save them. At present, the zamindars at the tail do not get sufficient kharif supply. The object of this scheme is to alleviate their sufferings



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as regards kharif supply, and convert their rabi into kharif. So, this honourable House will see that the scheme is in favour of the poorer folk who cannot afford to send a deputation to present their case here. Further, Sir, this honourable House will see that Government have given them assurances regarding these improvements, and it is in pursuance of those assurances that this scheme is brought forward to-day. Suppose we do not carry out these improvements what will be the result? The people will suffer, and they will be justified in asking for compensation. My honourable friend Mr. Noor Mahomed at the time of the budget discussion insisted upon his pound of flesh. He says that we have promised them lands on the barrage. I will read out the promise that was given. The promise was to carry out improvements to the Fuleli Canal, which I am now going to do, and not to grant lands on the barrage. If this honourable House rejects this item, it will be a justification for the people to ask for compensation.

**MR. NOOR MAHOMED:** A personal explanation, Sir. I never said I wanted lands or compensation....

**The Honourable the PRESIDENT:** The honourable member will have his turn to reply.

**The Honourable Sir GHULAM HUSSAIN:** If the improvements to the Fuleli Canal are not carried out, Government will lose revenue, because one lakh worth of rabi crop will not be cultivated, and the sufferings of the zamindars at the tail in regard to kharif supply will not be alleviated. This will give cause to the Zamindars to ask for compensation. So, honourable members will see that this scheme is plainly in the interests of the agriculturists whose cause has always been advocated on the floor of this House. Now, I should like to read out the assurances that were given to the zamindars on the Fuleli. I assure honourable members that, in voting for this demand, they will be voting for the poor agriculturists and not for Government. I shall read out the assurance that was given to the zamindars on the Fuleli by the Chief Engineer, Sind, on the authority of Government. It is as follows:

"On the contrary, the Barrage Canals will relieve the Fuleli of all the high land on the Left Bank, and will set free more than sufficient discharge during the abkani to convert all the existing late watered rabi into kharif cultivation.".....

"Government have authorised me to state that the Barrage Canals will take over all the garden, cane and fruit trees on the Left Bank, and will guarantee a sufficient supply, which will be passed into the Fuleli Canal from the Barrage Canals, for the similar crops on the right bank. In addition to that, Government have authorised me to state that systematic improvements will be undertaken as well."

**The Honourable MOULVI RAFIUDDIN AHMAD:** What is the date of that?

**The Honourable Sir GHULAM HUSSAIN:** 1923. This assurance was repeated in this House when my predecessor Sir Chimanlal Setalvad moved for the adoption of the Barrage scheme. That assurance has been repeated by various Governors from time to time. Now, I put it to this honourable House whether this Government is not bound by this

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assurance and whether it is not right on the part of the Government to redeem the promise it has given. We had promised to carry out improvements on the Fuleli and to convert rabi into kharif. This scheme is undertaken with that view.

Now, my honourable friends from my own constituency say: "We do not want this scheme. We want another barrage." Some of the unsophisticated cultivators of Sind are told that only a bund like the bund near the Bund Garden at Poona is required, which will not cost more than one crore. As to how far it should be below the Fuleli, some say 20 miles and others say 30 miles. If my honourable friend Mr. Noor Mahomed is prepared to give substantial security and guarantee the utility of such a bund I shall induce Government to give him two crores, instead of one, for constructing that bund. But is it a practicable proposition? Firstly, there has been no investigation regarding the site; secondly, it will be too far away from the Fuleli; and lastly, I do not know whether my friend will be able to complete it within 10 or 12 months, because the Sukkur Barrage will operate in 1932. As soon as the Sukkur Barrage comes into operation, there will be no rabi cultivation, and the people at the tail will lose lakhs worth of produce and be completely ruined. (Interruption). I am going to convert rabi into kharif. In this case, delay is dangerous, because in 1932 the Barrage will operate and will bring ruin to many if those improvements are not carried out. If my honourable friend is prepared to induce the people not to ask Government for compensation, I will drop the scheme. If I do not carry out this scheme, it will be said that Government are not fulfilling their promise and are ruining the people. If the honourable member is prepared to give that undertaking that the people will not ask for compensation, I will induce Government to withdraw it. It is a case of "Heads you win and tails I lose." If we do not carry out the scheme, we are charged with not having redeemed our promise. (An Honourable Member: Bring a better scheme.) If the honourable member suggests one to me, I will bring it.

Again, Sir, a barrage in six or twelve months is moonshine. How is that feasible? We must first select the site, whether it be at Jheruck, at Kotri or any other place; then we must prepare plans and estimates; and then, if it is to cost a crore of rupees, we must get the sanction of the Government of India and the Secretary of State. Will the Government of India and the Secretary of State sanction another barrage when one barrage is not completed? Even supposing that they will agree, the preliminaries will take long. Then, who will be responsible for the loss that the people at the tail will suffer in the meantime? If this honourable House wishes me to investigate the question of another barrage either at Jheruck or Kotri, if it gives me the funds, I am ready to employ a special establishment for the purpose. But meantime we must give effect to this scheme; otherwise the people at the tail will be ruined. Otherwise, my honourable friends must suggest some means of saving those people from ruin.

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Now, I would like to read out a representation of the poorer people at the tail, who are represented by no less a personage than Rao Bahadur Hiranand, the guide, philosopher and friend of the zamindars of the Tando Division.

An Honourable MEMBER: He is Dewan Bahadur!

The Honourable Sir GHULAM HUSSAIN: He is Rao Bahadur. He is more independent than my honourable friend who cries out.

An Honourable MEMBER: Poor zamindar!

The Honourable Sir GHULAM HUSSAIN: Now, I put it to my honourable friend whether Rao Bahadur Hiranand did not lead their deputations? Did they not hail him as their guide, philosopher and friend? Even recently he headed a deputation of those very honourable members who represented their case to Government against modules. He was one of the opponents of modules, but when he saw their actual working, he became a staunch supporter of modules.

Mr. H. B. SHIVDASANI: He has received a grant of land from Government.

The Honourable Sir GHULAM HUSSAIN: No. It does not lie in the mouth of those honourable members who hailed him then as their guide, philosopher and friend, to disclaim him now when it suits them. The representation is not only signed by Rao Bahadur Hiranand, but also by Hindu and Muhammadan zamindars. The petition reads:

"I have been directed by the Fuleli Zamindars Association to invite your attention to the provision of ten lacs of rupees which has been made in the current Budget for Improvements of the Fuleli Canal. My Association is most anxious that you should pass this item of ten lacs of rupees without any reduction, so that the improvements which have been designed after careful consideration and in consultation with the intelligent Zamindars settled upon this canal, may be wholly carried out in this year. It has taken the Zamindars nearly three years to convince Government in the Irrigation Department, that unless the supply of water from the Indus into the Fuleli Canals is adequately assured, and fairly distributed, the Barrage at Sukkur will most seriously affect this Canal, and bring ruin to the lands of most of the Zamindars, more specially the Zamindars situated at the tail of the Canal. The Government Engineers after careful investigation have admitted this danger and have asked your sanction for the money which is required to avert this danger. This sanction is now in your hands.

2. While all are agreed that the Fuleli Canal should be rendered safe from the menace of the Lloyd Barrage there are some who are desirous that another Barrage should be built across the Indus near Kotri or Jheruck in preference to the improvements of the Fuleli which have been designed by the Government Engineers. At several conferences which were held in November last at Hyderabad and Badin by the Honourable the General Member, Sir Gulam Hussain, in which Mr. R. T. Harrison, Secretary to Government in the Public Works Department and Mr. C. S. Harrison the Barrage Chief Engineer took part, it was explained that the construction of another Barrage on the Indus will take another fifteen or twenty years, that Government will not agree to another Barrage until the one already under construction had been fully tested and tried, that the danger to the Fuleli Canal was immediate and imminent, for the Lloyd Barrage will start working in 1932, and that therefore it was most essential that the Fuleli Zamindars should be satisfied with the improvements which are urgent, and which will be necessary even after another Barrage has been built. This sound advice has been accepted by many Zamindars, and the Association which I have the honour to represent has desired me to request you to support the Honourable the General Member" and so on. They refer here to me as having had the advantage of having known the Fuleli tract well personally for many years, and so on:

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"He has studied the whole scheme on the site and enjoys the confidence of all independent Zamindars and we request that you will repose the same trust in him and accord sanction to the proposals which he puts before you.

3. Indeed, Gentlemen, this appeal on the part of my Association would not have been necessary were it not for the fact that there are some Zamindars with powerful vested interests who are opposed to those parts of the projected improvements which relate to the fair and equitable distribution of water. You are aware of the jealousies which exist in the world between the higher and the lower riparian owners. The Fuleli Canal is no exception to this general tendency. Those situate on the higher reaches want to monopolize as much water as they can, while those on the lower reaches are struggling to get their fair share."

The Honourable the PRESIDENT: Need the whole of it be read?

The Honourable Sir GHULAM HUSSAIN: They have asked me to bring it to the notice of the Council; and it is only fair that I should do so.

"The former will, we are informed, lead the opposition in the debate of this item, or to that part of it which relates to the building of Cross Regulators, or to the construction of modules which automatically secure to each holder of land, as much water as he needs, so that all may be satisfied. There should be no scramble for water, and the officers of the Irrigation Department should be trusted to adjudicate between the rival claims, by such mechanism as they in their expert knowledge and experience may design.

4. My Association understands that the amount of ten lakhs has been roughly divided as follows:—

(1) 3½ lakhs for widening the Fuleli Canal.

(2) Seventy-five thousand rupees on building a Cross Regulator at mile 71.

(3) 2 lakhs of rupees for diverting the head of Kaziah to a place above the aforesaid Cross Regulator.

(4) The remodelling of several tail branch Canals of the Fuleli which are about six or seven in number. These will cost about 4 lakhs of rupees.

My Association requests you to note that Nos. 2, 3 and 4 aim at improving the lot of the tail Zamindars who are like the uncared for sons of a father whose step-mother always tries to under-feed them. To these improvements an opposition is likely to be offered in the Council by some of the Sind Members, and in all probability you will be approached to lend them your ear. My Association which consists of humbler folk requests that you will not allow yourself to be led away by their blandishments or importunities. An attempt was made at Hyderabad to win the sympathy of the members who were returning from a visit to the Barrage in January last by a deputation of the Tundo Zamindars' Association, who read an address to which a reply was given by Mr. Dadabhai Desai. That shrewd member gave the deputation a piece of advice which it is hoped went home. The Tundo Zamindars' Association headed by Syed Mahomed Kamil Shah who is also a member of the Bombay Council drew across the trail the herring of the Barrage so that the scent might be lost. The Fuleli Zamindars' Association does not wish that the honourable members of the Legislative Council should allow the budgetted grant or any portion of it to be lost, more particularly those portions which aim at improving the lot of the backward tail Zamindars."

Then there are telegrams that have been received requesting us to sanction the schemes as they are absolutely necessary and in the interests of the people concerned. Now, Sir, in order to secure a better supply of water for the kharif cultivation and in order to turn the existing rabi into kharif, we have proposed these methods. The widening of the Fuleli was done at the request of the zamindars of the Fuleli at a conference at Hyderabad, and my honourable friend who is here to-day (Mr. Allahbakhsh), the representative of Sukkur, in consultation with the zamindars of the Fuleli, made a suggestion that to safeguard them against any danger, we might widen the Fuleli and give them one thousand cusecs of water more.

Rao Bahadur R. R. KALE (Satara District) : Will the widening increase the supply ?

The Honourable Sir GHULAM HUSSAIN : Yes, certainly.

The honourable member (Mr. Allahbakhsh) will bear me out when I say that when Government agreed to this, the announcement was cheerfully received. After my return from tour, I received a representation from the zamindars at the head. Therefore, I wanted to be absolutely on the safe side, and requested my experts to go into the question. We are giving them now 1,500 cusecs of water more. (Interruption).

The other method that we are employing is that we are modifying the present system which profits the zamindars at the head. We are introducing the module which is designed to take a definite discharge of water. This module is not new to India. It has been introduced in the Punjab. It has been introduced in this Presidency in several canals, and I have been requested by my honourable friend, the representative of Begari, to have the remodelling of Begari with modules. That means that modules are good things, and not bad things, as has been made out by some. What are the advantages of the modules ? It prevents waste of water. No doubt, those zamindars who are at the head, who get an unlimited supply of water, will naturally complain because their unlimited supply will be interfered with. Therefore they have every reason to resent the introduction of the module, and say that the module is a bad thing; they want to be allowed to use and waste as much water as they like. By means of modules, we can secure proper and equitable distribution of water. Modules have nothing to do with rotation. There is no meaning in the arguments that are trotted out that rice cannot be cultivated if modules are used and so on. Modules have absolutely nothing to do with rotation. If the river level is normal, there will be no rotation. Rotations only come in when the river is low, and there is a low level in the Fuleli. In order to equitably distribute the water, what should be done ? If the water is less, everybody must accordingly get less water. But the zamindars at the head, whether the level is low or high, always get plenty of water, and this module will interfere with their supply, and it is quite natural that they should object, as everybody looks to his own interest in every matter.....

Mr. NOOR MAHOMED (Hyderabad District) : On a point of order, Sir. Is the Honourable the General Member justified in attributing motives ? I ask whether he is not overdoing his business.

The Honourable Sir GHULAM HUSSAIN : I am not attributing motives, Sir. I am only giving reasons.

Now, another means we are adopting to allay the suffering of the zamindars at the tail in regard to their kharif cultivation and to turn all the rabi that is being cultivated into kharif is to introduce regulators. The regulator is a structure designed for controlling the flow of water. I might tell my honourable friends on good authority that even rice cultivation can be undertaken under a judicious system of rotation such as at the tail of the Begari and at the head of the Idan Wah and

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parts of the Desert Canal. Now, Sir, this regulator is intended for the purpose of regulating the supply of water. If the supply of water is normal, regulators are not employed at all. They are used only when the level is low in order to raise the level, or when there is excessive water to save the tract from floods, regulators are opened so that the water may be cleared away. I will just show you what this wonderful device can do. We have on the Fuleli Canal only one regulator at Alipur at mile 46 (at Chandanwah). What is the kharif intensity of cultivation there? It is 84.5. It is due to this Alipur regulator. At mile 40 it is 84.4. Now why should those who are so happily situated care whether the people at the tail get water or not? We are therefore making a provision for more regulators which have proved their great utility. We are providing regulators in the lower reaches of the Fuleli also. Further, this honourable House will see that we have made a provision for the Fuleli Escape which we are improving so that at the time of the floods we may allow the excess water to go. The position of the people at the tail, I hope honourable members will bear me out, is very miserable. When there is drought, they do not get anything for the kharif crops. When there are floods, the whole water is let into their fields and they are ruined. So, Sir, the zamindars at the head win and the zamindars at the tail lose every time. That is the condition of the zamindars at the tail. So I have shown this honourable House that we have provided for various regulators for the purpose of regulating the water supply so that, when the level is low, we can raise it, and when there are floods we can let it go.

At present the average rice cultivation on the Fuleli is about 225,000 acres, out of which about 7,800 acres, will be cultivated by the Barrage after it comes into operation. There remain about 217,000 acres of rice cultivation on the Fuleli after the barrage comes into operation in 1932, and by these improvements we are adding a thousand and few hundred more to make it about 218,000; and then, out of the present 60,000 odd acres of dry crop about 31,000 acres will go to the barrage area and the rest will remain on the Fuleli. So, in all, there will be about 247,000 for the kharif, but after the barrage there will be absolutely no water for the rabi. Therefore, instead of rabi we are having kharif of over one lakh. Another important feature of this case is, the pronounced difference between the intensity of cultivation in the upper and the lower reaches of this Canal. I am taking each of the talukas and then each of the various distributaries.

Now, take the Dero Mohbat Taluka. In the upper half of the taluka you will find 61.4 kharif cultivation, and 3.7 rabi, total 65.1. In the lower half it is 30.3 kharif (only half of the upper half) and 12.2 rabi; total is 42.5.

Then come to Tando Bago. 55.5 kharif; 5.7 rabi, in the upper half. In the lower half, 18.4 kharif; 12.3 rabi—total 30.7, against the 61.2 in the upper half. That is, a far more valuable crop at the head and for the poor people at the tail, only rabi almost.

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Then take Badin. 55·2 kharif; 4·8 rabi- total 60·0. That is in the upper half. Now in the lower half, 28 kharif, and 13·9 rabi. in all 41·9.

Now we come to Guni. Upper half—kharif 41·8 and rabi 4·2 total—46·0. Now at the lower half you have 19·9 kharif (nearly half of the upper half) and rabi 1·8, so a total of 21·7.

Now, Sir, these figures tell their own tale. The average cultivation at the head and tail of the various distributaries of Fuleli will be quoted by the honourable member, the Chief Engineer, Barrage, for the honourable members' benefit.....

**Mr. JAIRAMDAS DOULATRAM:** Is it not possible for us to get copies of those figures?

**The Honourable Sir GHULAM HUSSAIN:** Most certainly, you can get copies also. So, Sir, honourable members will see that I am advocating the cause of the poor people at the tail. What will be the position of Government? Should we allow these people to go to ruin? When we have given them an assurance, and when they ask for its fulfilment, should we not carry out our promise? That is the point. We have promised; they are asking. They say they will be ruined. Well, if we do not give them what we promised, everybody will blame Government and say that Government did not fulfil their promise and that they ruined thousands of people. Will this Council, then, be prepared, if they do not want Government to do anything for the poor people at the tail, to give compensation in some form, in money or in land, to these people? This is my duty, and I must perform it, whether it be pleasant to some or not. And the responsibility rests upon this House to decide whether to save thousands of poor people from ruin or to give them compensation as an alternative, or to adopt any other course that this honourable House considers proper.

**Question proposed.**

**Mr. NOOR MAHOMED (Hyderabad District):** Sir, I beg to move

That item No. 73—Improvements to the Fuleli Canal System—Rs. 10,00,000—(Blue Book, page 294) be omitted.

Sir, I think I will be pardoned by the honourable members of this House if I say that the Honourable the General Member is making history for himself and in that spirit he has made the speech he has made. I have brought forward this motion with the best of motives, with nothing but the good of the people at heart, and, Sir, I invite the honourable members to sit in judgment on me and the Honourable the General Member when he says that he stands for the poor and we for the rich! Sir, this is a serious position to-day, I must say, when an Honourable Member representative of Government says that we represent nobody, we represent a few who are rich.....

**The Honourable Sir GHULAM HUSSAIN:** I do not say so; I never said that.

Mr. NOOR MAHOMED : His whole speech meant that, Sir, and that was the position taken up by the Honourable the General Member ; and I say before God and man that, if I carry this motion, I will have done my duty to the poor people. If I fail and if the Honourable the General Member who represents Government carries the demand and gets the money he has asked for, the responsibility for the ruining of the people will be particularly on the head of the Honourable the General Member and the Government whom he represents in the Irrigation Department. There is no joking in this matter, there is no fun in this matter. This is a serious matter in which I request all the honourable members of the House, irrespective of the divisions from which they come, to tackle this problem most seriously and not to be led away by all that the General Member has said about the head and the tail and about the rich and the poor. In my humble opinion there is neither head nor tail, neither rich nor poor in this problem. I have the honour to represent both the rich and the poor, and I think the Honourable the General Member ; and I know I am doing my duty to those who are poor, let the Honourable General Member say what he likes.

The Honourable Sir GHULAM HUSSAIN : I did not say that. I read out the representations of the zamindars at the tail.

Mr. K. F. NARIMAN : Are there no representations to the contrary ?

The Honourable Sir GHULAM HUSSAIN : Yes.

Mr. NOOR MAHOMED : With your permission, Sir, I will immediately come to the point of the representations which the Honourable the General Member has read out from A to Z. What is that representation ? That representation comes to the Honourable the General Member. The duty of circulating that is assigned to him ; and he circularises it in this honourable House. Has the Honourable the General Member, who comes from Sind, ever taken the trouble of circulating in the House any other representation of the zamindars of the Fuleli Canal ? I ask him, whether he represents the head or the tail, whether he represents the rich or the poor, and in whose interests he has taken all that interest and trouble to answer that question. My own mind regarding the future of Fuleli tract is very clear. I honestly feel, and I agree with him that our people are going to be ruined in the Lower Sind. I honestly feel that our women and children in that part of the country will have to go without clothes and will be without food and, Sir, before God the Government will be responsible for all the ruin that they are going to bring on the lower Sind. This is not a matter to be lightly treated therefore. I therefore plead for these people. They have plenty now ; ere long they will have nothing ; and I honestly feel like that. The Government is too busy now with the Sukkur Barrage ; and will do nothing that is right for the Lower Sind. My duty lies with our people, in protecting the interests of those who have honoured me with their confidence and therefore I will not be a party to anything which will betray them at this critical juncture. I am very sorry that I have been obliged to speak as I am doing now. In my wildest moments, in my wildest dreams,



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never did I dream that it would ever be left to me to contest with the present General Member, the ex-representative of the Fuleli Canal, the ex-sleeping partner of the Fuleli Canal, in this manner, the issue of the future of the Fuleli Canal. He has been all along the representative of the Hyderabad district the Fuleli Canal in this Council. Permit me to say, Sir, without meaning the slightest disrespect to the Honourable the General Member, that even while he was the elected representative of Hyderabad he remained all along a Minister and our sleeping partner. He was not therefore in touch with the people. I feel that the poor people of lower Sind are all going to be ruined in spite of the "improvements" which I do not call "improvements". Therefore, I say that to-day history is being enacted on the floor of this honourable House so far as the future of Lower Sind is concerned; and if I perish in this attempt in protecting them, the responsibility, for the ruin of this vast tract will lie on the shoulders of the Government and particularly on the Honourable the present General Member. I may not be in this House next time but the Honourable the General Member will be here; and our children, our children's children, the Honourable the General Member's children, and posterity will be reading the opening speech which he made to-day in introducing the demand under head 55 for the Fuleli Canal for the sanction of this House. Therefore, with your permission, I will request the honourable members to grant me a hearing when I place before them what the Fuleli Canal is and means to the people. No man has dug it, no man has excavated it, but God, in his blessing, the Almighty God in his mercy, has given the lower Sind this perennial canal. It is a river. The mighty river Indus, which has protected our country which is a desert, in its own mercy, in its own kindness, has thrown off this branch into what was then a desert. Sir, the canal has never required the hand of man to clear it of its silt. This canal has never needed the assistance of any human being to take off its silt. Every canal excavated in the time of Soomras, Samas, of Kalhoras, of Talpurs or the British or in the time of other dynasties always has gangs of labourers working on it, but this Fuleli canal never needed even the finger of man to take its silt. It purges itself of silt by its own motion and always runs benefiting the people of lower Sind. Its cultivation is tremendous and cultivates nearly double the area of any other canal in Sind. That canal, on which no less than four lakhs of people live, that canal on which no less than 60 lakhs of cattle live, that canal today is, by the irony of fate, going to be ruined by no other person than the Honourable General Member in charge of the Irrigation Department, who comes from Sind. I may be pardoned, I hope I will be pardoned, if in my sympathy for the people I am carried away and use any language that may be derogatory to the dignity of the House or to the dignity of the Honourable the General Member. But, Sir, I know that I must do my duty to my own people today.

We have got a proverb in Sind *Guni Sadacen Oonhee* that Guni will always remain deep; but, in 1929, the year of our Lord, the Honourable the General Member comes forward and states that he is going to

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“regrade” it, by putting extra earth from outside. I say he will fail. After all, the Fuleli has got the blessings of our saints, the blessings of our own people, the blessings of the Almighty God, and Fuleli stands protected. I challenge the Honourable the General Member to see if he succeeds in “re-grading”, in ruining the canal. What is Fuleli? What is its area? The Canal and its distributaries are 1,000 miles long, double of any other canal. I will at once come to the great benefits that it confers on the people in comparison with the areas of cultivation of other canals. I will quote figures of rice cultivation first. The Begari canal about which you have all been pleased to hear so much this morning from the Honourable the General Member has got 42,961 acres of rice cultivation; Ghar has got 173,263 acres; Western Nara and Pritchard Canals (two very big canals) have got 146,470 acres; the Jamrao has no rice cultivation at all. The Eastern Nara has got 40,633. Then I come to Fuleli. Fuleli has got 235,734 acres. These canals are in the upper reaches, Fuleli is in the lower reaches. As regards the Jowari crop which is a poor crop, Begari has got something like 92,707 acres; Ghar has 36,981. Western Nara and Pritchard canals have got 49,332 and Fuleli does not grow it at all.

The figures for Bajri are :—

	Acres			
Begari .. .. .	..	..	..	23,414
Ghar .. .. .	..	..	..	..
Western Nara and Pritchard Canals	..	..	..	..
Jamrao .. .. .	..	..	..	67,487
Eastern Nara .. .. .	..	..	..	83,831
Fuleli .. .. .	..	..	..	71,347

The figures for Wheat are :—

Begari .. .. .	..	..	..	21,241
Ghar .. .. .	..	..	..	31,482
Western Nara and Pritchard	..	..	..	30,295
Jamrao .. .. .	..	..	..	23,295
Eastern Nara .. .. .	..	..	..	11,474
Fuleli .. .. .	..	..	..	43,168

The figures for Oil Seeds are :—

Begari .. .. .	..	..	..	0
Ghar .. .. .	..	..	..	36,931
Western Nara and Pritchard	..	..	..	32,088
Jamrao .. .. .	..	..	..	0
Eastern Nara .. .. .	..	..	..	0
Fuleli .. .. .	..	..	..	20,773

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The figures for Cotton are :—

	Acres			
Begari .. .. .	..	..	..	0
Ghar .. .. .	..	..	..	0
Western Nara and Pritchard .. .. .	..	..	..	0
Jamrao .. .. .	..	..	..	1,02,497
Eastern Nara .. .. .	..	..	..	81,244
Fuleli (in spite of its very bad Kalar land) produces .. .. .	..	..	..	25,713

It was whispered said that I was not correct with regard to the figures for Begari canal as regards the rice cultivation, on that Canal. Therefore, with your permission, I will just see if I am wrong.

On the Begari Canal proper the total rice area cultivated is, as I said, nearly one-fifth of what we have got on the Fuleli, the canal which is the pride of the Public Works Department. It is 42,961 acres. All my figures are the latest available figures, for the year 1926-27. I am quoting from the Administration Report of the Public Works Department, Part II, page 516. Then, Sir, I said that the Fuleli canal costs very little. How the cost compares with other canals, I will show by quoting some figures. The cost of maintenance per acre on the Begari is Rs. 1.22 per acre, on the Ghar it is Rs. 1.19 per acre, on the Western Nara and Pritchard canals it is Rs. 1.56, on the Jamrao it is Rs. 2.30, on the Eastern Nara it is Rs. 1.61, and on the Fuleli it is Rs. .90! Then, Sir, take the figures of kharif and rabi crops for the Fuleli and other Canals in Sind. I will first give the kharif crop figures. On the Begari 177,725 acres, on the Ghar 216,123 acres, on the Western Nara and Pritchard canals 200,573 acres, on the Jamrao 184,269, on the Eastern Nara 209,282, and on the Fuleli 346,753 acres! The rabi figures are, on the Begari 110,003 acres, on the Ghar 139,856 acres, on the Western Nara and Pritchard 133,302 acres, on the Jamrao canal 30,268 acres, on the Eastern Nara 20,863 and on the Fuleli 86,283. Sir, all these figures show that the Fuleli canal is the most important in Sind on which depends a very large population for its maintenance, and naturally therefore not only the representatives from Sind but also the representatives from the Presidency proper should take, I plead, an interest in them and guard their interests. When the Sukkur Barrage project was before the House, when the scheme was being prepared, the people of Lower Sind felt that they were going to be ruined, and I am glad to say that the Honourable the General Member has to-day admitted that unless he is allowed to have his way in effecting these so-called improvements which he proposes, there would be ruin. But at that time, the predecessor of the present Honourable General Member never admitted it, though we quite clearly saw it.

The Honourable Sir GHULAM HUSSAIN : On a point of explanation, I never said there would be ruin. I said, what about rabi, which we have promised to turn into khariff?

Mr. NOOR MAHOMED : I was not able to hear the honourable member what he just said and therefore I am sorry I cannot correct him. If he said anything about the ruin of the people now, I must say that I distinctly remember he used the word "ruin" half a dozen times, in his opening speech, with regard to the Fuleli people, if he was not given the money he asks.

The Honourable Sir GHULAM HUSSAIN : There would be ruin to the owners of over 1 lakh of acres of rabi cultivation.

Mr. NOOR MAHOMED : Any way he is going to limit the extent of ruin. In my opinion the extent of ruin is going to be limitless. In those days, on the 8th of June 1923, the then General Member, the Honourable Sir Chimanlal Setalvad made the following speech, in asking for the sanction of the House for the Sukkur Barrage and I want honourable members to hear that speech once more, so that they may understand whether or not we are justified in examining very minutely the schemes that are put forward on behalf of Government, from time to time, for the Lower Sind canals.

This is what he said :

"Mr. President, I think it is necessary for me to refer to certain misapprehensions....."

In those days it was only "a misapprehension;" now of course ruin is staring us in the face.

"I think it is necessary for me to refer to certain misapprehensions with regard to the effect on the project particularly with regard to the Fuleli canal. Fears are entertained with respect to :

Firstly the rabi cultivation at the tail of the canal.

Secondly, the irrigation of the garden lands some 4,000 acres on both banks of the canal; and

Thirdly, the withdrawals by the Sukkur Barrage scheme causing such a drop in the water level at the mouth of the Fuleli as seriously to endanger its kharif supply.

Further, it is apprehended that the canals below the Fuleli may be adversely affected. I may at once assure the Council that after thorough investigation, Government are in a position to say emphatically that kharif cultivation will not suffer. As regards rabi cultivation, it consists of ordinary bosi rabi which is only watered up to December, and perennial rabi which takes water when available after December. Bosi rabi about 13,000 acres will be quite unaffected by the barrage project."

And to-day, Sir, all these improvements are being inflicted on the rich and poor zamindars of the Fuleli tract in the name of *rabi*.

"The perennial rabi about 26,000 acres is a comparatively recent institution on the Fuleli and was occasioned by there being no kharif supply in the tail. In former years, it was all kharif, and the zamindars will therefore gladly revert to that crop. When the barrage and the new canals come into operation a large supply of water will be set free in the Fuleli."

I would request Government to bear in mind the words "When the barrage and the new canals come into operation, a large supply of water will be set free in the Fuleli."

The Honourable Sir GHULAM HUSSAIN : That is the position I have represented.

Mr. NOOR MAHOMED : Certainly not, Sir, I will show how it is. The then General Member proceeded to say ;

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"As regards the garden lands on the Fuleli, these are safeguarded on the left bank as they will be irrigated direct by the new Rohri canal. As regards lands on the right bank of the Fuleli, irrigation can and will be guaranteed by passing into Fuleli the quantity of water required. The improvements of the canals below the Fuleli will be systematically taken up and their supply will not be affected."

He concluded by making the following remarks :

"As regards the apprehension about the drop of the water level at the mouth of the Fuleli. Government are assured that there will be no appreciable drop whatever, on the contrary a *gradual increasing rise*."

Now, Sir, I would respectfully ask the House whether what was stated *emphatically* by Government on the advice of experts in 1923, is correct to-day.

With your permission, Sir, I would also like to add further that the Government sent a representative under their instructions, the late Chief Engineer of Sind, Mr. Shoubridge, and he held conferences of Lower Sind zamindars to gain their consent for the Sukkur Barrage. At those conferences he said that the river bed was rising every year, and by the time the Barrage works were completed, the bed of the river would have risen so enormously that there would be more supply in the Fuleli than was the case then and no portion of Lower Sind would be affected ; but that they would get, on the contrary, more water. Another statement that was made at that time was that all the canals of Central Sind will be stopped and all that water would be set free and allowed to go into the Fuleli. Both of those propositions have not matured. All the arguments then put forward by the Public Works Department have proved to be incorrect even before the completion of the Sukkur Barrage. The then General Member (Sir Chimanlal Setalvad) said that a large supply will be set free into the Fuleli, and there will be an "increasing rise" in the Fuleli. That is exactly what was the position taken up by Mr. Shoubridge ; and we now think those words were uttered then in order to secure the consent of the zamindars of Lower Sind to the construction of the Barrage at Sukkur.

Now, Sir, the House will be good enough to remember that the soil in Lower Sind on account of its nearness to sea is particularly saltish, once this tract itself was sea, that it is impossible for us to grow the crops that are grown on the Eastern Nara or the Jamrao, or in Upper Sind, where the soil is quite different, quite rich ; and rice is the only crop that can be conveniently grown and matured in Lower Sind and in the Fuleli tract. I again emphatically say, as emphatically as the Honourable the General Member has done, that rice cultivation cannot be done with rotations and also modules. It is an impossible thing, and any honourable member who has got experience of rice cultivation in Lower Sind will support me when I say that the Honourable the General Member has made a grievous mistake in making the House believe that rice in Lower Sind can be grown on alternate rotations and also on modules.

The Honourable Sir GHULAM HUSSAIN : May I correct the honourable member ? I said modules do not mean a steady rotation, and I said not in the Fuleli, but in other parts, which I mentioned.

MR. NOOR MAHOMED : The soil of those places is quite different. There can be no comparison between the two. I go by what is published in the Blue Book. There the Government say very clearly—and after all that is the statement by which our posterity will be bound down—that the cultivation on the Fuleli canal will be carried on by “rotations *alternatively*.” I submit, Sir, that the soil is so very bad that if there is rotation of 3 days all the plants will have died out by the time the next rotation comes. And permit me to say, Sir, that on the Mithrao Canal, the rice cultivation has become a dry crop! Sir, the Honourable the General Member has shown on page 295 the financial soundness of the scheme of improvements that he proposes. I submit that, instead of having 7 per cent. and more of interest on the amount spent, they will hardly be able to have half a per cent., and I will show how that will be. The present area of kharif is 326,651 acres. Their forecast is that the present area will increase to 350,080 with their improvements. Now, Sir, the increase in area would be 23,431 and not 102,608 as they show. Some land will be transferred to the barrage canals but water will not be transferred. Water will be there. If you, Sir, will look into the Annual Irrigation Report of Sind, you will find that the land under cultivation is 421,885 acres. The revenue is Rs. 7,63,918. Maintenance charges come to Rs. 3,49,742, on that area.

The Honourable Sir GHULAM HUSSAIN : How much is rabi ?

MR. NOOR MAHOMED : I am speaking of the entire area. I am glad that the Honourable the General Member has asked me that question. I will clear the position at once. So far as kharif is concerned its revenue is more than the rabi crop revenue ; but on the whole it works out at the rate of one rupee per acre. If one rupee be the income per acre on Fuleli, for the increased acreage of 23,000 they will get Rs. 23,000 more on an outlay of Rs. 50,00,000 which will work out at not more than half a per cent. But Government have urged in the Blue Book that the State treasury would be receiving 7·19 per cent. on the total expenditure and therefore this House should sanction the scheme. The House would be completely mistaken if they take these figures as correct. The rate of assessment they have calculated is Rs. 3-8-0 per acre. The actual rates of assessment are as follows : In the first class areas Rs. 4 per acre ; in the second class areas Rs. 3-8-0 ; in the third class areas Rs. 3 ; and in the fourth class areas Rs. 2-6-0. But for rabi the rate is from Rs. 1-12-0 to Rs. 2-4-0. After these “improvements”, rice area will decrease ; poorer crops will be grown instead of rice, and those on water-wheels. The average position will be worse and not better. Even if we take the best position, it will not be more than one rupee per acre on the remaining 23,000 acres which will not give more than half a per cent.

The Honourable the General Member has referred to the Fuleli Canal Zamindars' Association. The Honourable General Member knows that in Hyderabad there is the Tando Zamindars' Association which has been functioning for the last 25 years. After the recent visit of the Honourable General Member, the Secretary, Public Works Department and the Chief

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Engineer, Lloyd Barrage to Sind and their departure from there, a new body—God knows how many persons have joined it—has come into existence which says that it represents the zamindars on the tail of the Fuleli. It is called the Fuleli Zamindars' Association. The Honourable the General Member read with great admiration and evident happiness the representation of this association. What I want to urge is that it is surprising that while the Honourable the General Member can get telegrams, from "the tail zamindars," we who are there and serve the people should not get any, and should not deserve an expenditure of 12 annas on a telegram to us. Such telegrams are always received by Government and that would not surprise the Honourable House. . . .

The Honourable Sir GHULAM HUSSAIN : After the conference, you could have sent me a telegram.

MR. NOOR MAHOMED : After the General Member left Sind, we had a conference of the zamindars of the Fuleli at Tando Mahomedkhan and at Tando Bago. It was attended by Mr. Sayed Mahomed Kamilshah, and Mr. Syed Miran Mahomed Shah. Almost every one there condemned this new project. So, I submit that I have got the clear mandate of the Fuleli zamindars. It was discussed threadbare and an overwhelming majority of people are not in favour of it. They are afraid that they will not have sufficient water after the Barrage canals have begun to work fully. Everybody agrees that there will be no water then. How can the Honourable General Member put water into the canal when there will be no water in the river itself? I shall give the House the figures with regard to the period during which water flows in the canals. In the first class Begari canal water flows for not more than 159 days in the year. In the Western Nara Canal water runs for 169 days in the year. In the Jamrao Canal water runs for 175 days for kharif and for 180 days for rabi. In the Fuleli canal water runs for 183 days in kharif and 182 days in rabi! It is a perennial canal, with which no other canal can match.

What will be the effect of the Barrage on it? After the construction of the Barrage and canals we will *not* get water at the time we are getting now. In the Lower Sind they sow seedlings in the month of April and May and they at once begin transplantation in the month of June. We are not going to get water till about the middle of July; and the water will be cut away by the low river in the middle part of September. The rice crop we grow in Lower Sind is of a peculiar and very poor quality and it will not mature in so short a period. Rice grown in Upper Sind is of a different quality from the rice grown in Lower Sind. We have tried to grow that rice but it does not mature in Lower Sind. This particular variety of rice in lower Sind requires more water and more time for maturing. When the barrage comes into operation there will be dearth of water. What we therefore submit is that nobody has yet seriously considered the future of the Fuleli and the Lower Sind, as to what it will be after the Barrage canals zone is fully developed. The Karachi district is affected even more than ourselves. In other words the whole of Lower

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Sind is affected and no expert has yet carefully considered this problem.

Mr. C. S. C. HARRISON: What problem?

Mr. NOOR MAHOMED: The honourable member the Chief Engineer of Lloyd Barrage wants me to state the problem. I mean the problem to which Mr. Shoubridge referred before the conferences of zamindars at the time the scheme of the Sukkur Barrage was under preparation and consideration, the problem of the future of Lower Sind population, the problem of their fate, the problem regarding which Sir Chimanlal Setalvad, on the expert advice, gave assurances in this House. The problem that is facing us is the extent of the ruin of our people in Lower Sind. I respectfully submit that the people of Fuleli are perfectly right in thinking that Government are doing nothing for them. The improvements suggested and proposed are not the right improvements, this money is being wasted practically; this money should be preserved for a better use on the Lower Sind. The estimate of 50 lakhs which the Honourable the General Member has asked the Council to sanction is an under-estimate. It is being under-estimated, I fear, in order to avoid seeking the sanction of the Government of India and the Secretary of State. Even these "improvements" are bound to cost 80 lakhs and the Karachi district scheme will cost another crore and a half. We submit that all this money should be preserved, because Government are not going to spend money every now and then to improve the threatened conditions in Lower Sind. All this money should be preserved and proper use made of it later on, after some independent expert has examined the whole of the lower tract and told us whether a bund at Jheruck is not a necessity. Of course, so far as we are concerned, from 1847 many engineers have been telling us that a dam at Jheruck is necessary, but at the present moment the Honourable the General Member does not think it a practicable proposition, nor a proper site and all that without any investigation.

The Honourable Sir GHULAM HUSSAIN: I said "not within a short time": meanwhile what are we to do to save the people from suffering?

Mr. NOOR MAHOMED: We are not going to be affected immediately; there is some time for our ruin. While there is yet time, why should the Honourable the General Member hasten our ruin? These modules and these improvements are going to cause our ruin. The Honourable the General Member referred us to the opinion of the honourable member, Khan Sahib Allahbaksh. What is good for the honourable member for Sukkur, need not necessarily be good for us. He will have all the advantages of the Barrage waters; and the Honourable the General Member need not fasten the opinion of his friend on us. The wearer alone knows where the shoe pinches.

Sir, last year a thorough experiment was done with modules, on the Shadiwah distributary, on the lands of Khan Bahadur Mir Ghulam



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Mahomed. That old gentleman has suffered a loss of about Rs. 20,000 ; but he cannot ask for any damages. If he asks, will Government pay him ? He suffers in silence ; and so all, on the Fuleli tract, will. At first, in order to get the consent of the zamindars of Lower Sind to the construction of the Barrage across the river at Sukkur, went to the extent of offering compensation, in case of withdrawals of waters. They now are trying to get round the position ; and lest we should ask them to stand by us and to make our position safe by making the right type of arrangements for our protection, the Honourable the General Member is frightening the honourable members from the Presidency proper by saying that if these "improvements" are not now made, we will ask for damages, for compensation, which will be enormous. But, Sir, so far as the construction of the Barrage is concerned, the expenditure on it will have to be borne by Sind—both by the Upper Sind as well as the Lower Sind—by the Lower Sind, in spite of its devastation. Are we from the Lower Sind not therefore entitled to ask for proper protection, when our perennial and permanent water supply is going to be cut away, when we are to be ruined and in spite of our ruin we will be contributing directly and indirectly to the prosperity of the Barrage areas, most which are uncultivated now and will be paying for the Sukkur Barrage and Canals Constructions ? The Honourable the General Member has said that he will be only too pleased to construct a dam across the river for the benefit of the Lower Sind, if Government and the House give him the necessary funds. He is the Government Member in charge of irrigation. Is he prepared to help us to the extent that our necessity demands ? That is the whole question.

Sir, with these words, I move my cut ; and I request all the honourable members to think of the great loss that we are bound to suffer as soon as the Barrage Canals begin to function fully.

Question proposed.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Sir, I rise to support the motion of my honourable friend from Hyderabad. Sir, there is no necessity for this scheme of spending Rs. 50 lakhs on the proposed improvements to Fuleli. Because there are still four more years for the completion of Barrage proper and any withdrawals from there to affect the Kharif supply of this canal. It will take about fifty years more for Barrage lands to be fully developed. Till then or say till twenty years from to-day there will be no more withdrawals of water due to Barrage than it is to-day from the Indus above the offtake of Fuleli. Hence there is no immediate danger to Fuleli of any kind. Nor has it suffered any thing yet as has been shown by the honourable member Mr. Noor Mahomed after comparing it with the other canals in Sind not affected by the Barrage.

When the scarcity does arise, if at all it does, it will affect about dozen other canals of the Lower Sind and *not Fuleli alone*. If any scheme is to be brought before the Council, Government should investigate for all the canals of Lower Sind and submit a complete and comprehensive

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project. There is plenty of time for it and Government should start estimating now so that a best and economical combined scheme with another Barrage may be evolved. It is no use hurrying in piecemeal fashion. It is sheer waste.

If you look at the budget proposals of last few years, it will be seen that Government had been proposing only an expenditure of Rs. 40,000 for moduling the karias from the Fuleli and its branches. But somehow or other, for reasons known only to Government, they had been withdrawing those proposals before asking for the total grants. But without any previous intimation to the public, Government has, to-day, sprung a surprise on us by at once bringing a scheme of Rs. 50 lakhs for the same canal. The member in charge of the folio has changed and the whole thing appears to be very suspicious. Perhaps there may be hand of influence of Government, Khan Bahadurs, Rao Bahadurs Knights, etc., behind this proposal.

I want to know how is it that such a scheme of Rs. 50 lakhs has been estimated to cost just Rs. 2,000 less than the powers of sanction by the Government of Bombay? Is it because sanction of the Government of India or Secretary of State for India will be needed if the total cost was estimated to be exactly Rs. 50 lakhs or a little more? Is this figure deliberate? It is evident that if such a scheme went up, they might have raised many inconvenient questions about it. But once the scheme is sanctioned, it will be easy for Government of Bombay to provide for any excesses that might occur.

But do you think it will only cost Rs. 50 lakhs? No. Our expert, or otherwise, engineers have taught us lesson in the Deccan Canal projects, Bombay Development—Reclamation and Housing schemes and in the Barrage that their estimates are usually 100 per cent. less than what may be the actual cost. Who knows the cost of these improvements may also go up to Rs. 80 lakhs or more?

Now let us come to the past record of what Government said about any danger to Lower Sind from the Barrage about which so much is being made to-day. Sir, when the Barrage scheme was under sanction of the Government, Zamindars of Lower Sind had complained that they will be adversely affected by the scheme and they wanted that investigations must be made and their future also looked into. They wanted that if anything was necessary to construct for protecting them from shortage of water when Barrage may be working, it must be done simultaneously with construction of the Barrage scheme so that they might not suffer when that scheme started functioning. Consequently Government called a conference of Lower Sind zamindars at Hyderabad where Mr. Shoubridge - then Chief Engineer in Sind, explained that the nature was already providing for Lower Sind by raising the bed of Indus at Kotri. He said that there would be no shortage of water at Kotri at all due to Barrage but in fact they would get more water as the level of water at Kotri had been uniformly rising from year to year even when

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the discharges had decreased in the Indus. And he assured the zamindars that the Indus would keep up the rate of raising its bed at Kotri and he quoted facts and figures to show that he was right. He gave the following forecasts :—

Period.

Levels at Head of Fuleli.

### 1945

In the last half of May	.. 6" higher than at present that is 1923.
In the first half of June	.. 15" higher than at present that is 1923.
In the last half of September	.. 17" higher than at present that is 1923.

### 1955

In the last half of May	.. 14" higher than at present that is 1923.
In the first half of June	.. 25" higher than at present that is 1923.
In the last half of September	.. 29" higher than at present that is 1923.
In the last half of May 1965	.. 23" more than in 1923.
In the first half of June 1965	.. 36" more than in 1923.
In the last half of September 1965.	42" more than in 1923.

Now, Sir, this increase of 3½ feet in the level of water in the Fuleli was prophesied in the month of September when the Barrage was expected to be working at its maximum capacity.

But now we see that Government have turned volteface. They say Fuleli is going to suffer even before the Barrage has started working. Which should we believe, Sir, ? Should we believe in what Government say now or what they said then ? Now Government say that Fuleli will suffer even in summer. But if we budget Rs. 50 lakhs for Fuleli insurance, how much more shall we have to do for other canals of Lower Sind, viz., Pinyari, Baghar and many others as big as this canal ?

If we look at the Blue Book, pages 297 and 298, you will see, Sir, that the present Kharif cultivation of the Fuleli canal, for an average year is 326,000 acres and 80,000 acres of Rabi. But they say some land of Fuleli will be transferred to Barrage. Then Kharif area on Fuleli will remain at 247,000 acres. But Government say that if we spend Rs. 50 lakhs more they will be able to cultivate 350,000 acres of Kharif. We need not expect any rabi cultivation as the water in the Indus after Barrage starts working will be less than the Barrage canals requirements. We see that Government will then irrigate only 24,000 acres more in Kharif than what is done to-day. There will be no rabi. Let us then

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seriously see whether this proposal is a business proposal. It is not Government have tried to show that the return will be 7 per cent. and my friend Honourable Mr. Noor Mahomed said that it will be  $\frac{1}{2}$  per cent. But I say that if any business man properly looked at the figures as I have shown there will be less revenue than it is at the present. That is we are asked to throw away Rs. 50 lakhs as dead loss and as a contribution for cultivating new lands purchased by, or got as inam from Government by Khan Bahadurs, Rai Bahadurs and other influential persons. An intriguing and dishonourable attempt is being made for the benefit of influential persons at the cost of poor taxpayer.

The Honourable General Member has cried over and over again that poor zamindars of tail will suffer if we don't sanction this scheme and that the rich zamindars at the head are trying to rob poor people by agitation against the improvements proposed by the Honourable member. But the figures quoted in the blue book show that it is the zamindars at the Head that are getting less water as their annual is less than that of the tail zamindars. For instance cultivation from head to 25th mile is 26 per cent., from 29th it is 42, mile 40 it is 84 per cent., mile 46 it is 86 per cent. and tail 49 to 60 per cent. This is the total annual intensity. But if we take kharif alone then also it is evident from the figures quoted by Government that tail zamindar is getting more than what the one at the Head.

Sir, I now ask the Honourable General Member whether he is backing the poor zamindars or the rich or influential ones? This is his enthusiasm about Fuleli canal. And why? I do not know but it is very suspicious when we consider his reply to my question about the Begari remodelling answered in the sixth list of this session. He admitted that lands measuring about  $3\frac{1}{4}$  lacs of acres in Shahdaddock and Jacobabad Talukas have been ruined for want of proper improvements to the Begari. He further admitted that the zamindars of those two talukas have been ruined and that many of them have sold the lands and gone to Larkana. That their tenants are starving. He said that only  $\frac{1}{12}$ th the lands are being irrigated today, i.e., about 8 per cent. Now when I asked him why were they allowed to go to ruin like that and why the canal was not being remodelled? His answer was that proposals are being prepared, that Government had no funds and that when the scheme was ready and when the Government found funds and when the Council sanctioned, then he would think of improving the fate of those wretched poor people. I told him that the scheme was under preparation since 1915. He said it might be. Now, Sir, I state this on the authority of the Government that the complete scheme for remodelling was submitted by Mr. Musto in 1920 showing its cost at Rs. 18 lakhs. Sir, that scheme is rotting in the pigeon-holes of Government up to now.

Now I ask this House whether the General Member is really solicitous about the welfare of the people or it is simply crocodiles' tears. He refuses to even think of the condition of these poor people. Why is it

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so ? Because there are all poor people on that canal. And there are no K. Bs. and R. Bs. or knights holding lands on that canal. I give another example of his friendship with the poor. The Honourable House will remember that in the last session at Poona Government asked for a grant of Rs. 2 lakhs for improvements to Pateji Branch feeding Kakar and Mehar Talukas of Larkana. It was stated in the statement of the demand that the zamindars had been crying for the improvements for the last 15 years, that some of them had sold lands at cheap rates and migrated. But Government did nothing to help them. And that grant was brought forward when those zamindars gave an undertaking that if the cost of improvements was not recovered till Barrage started working, that is by 1932, they the Zamindars would make up the loss. And then Government had taken legal undertaking on proper documents from them. Was this helping the poor and needy ? Could any Bania go further ? Has our Government become worse than a Bania ? Remember that and the attitude of the Government which is not carrying out the improvements sanctioned by the Council after the undertaking of Zamindars. And why ? The same old story of estimates being under the actual cost ! Now the engineers are further asking those zamindars to get them contractors to do work at the rates provided by them ! This is the efficiency of our engineers and that is Government's solicitude for really suffering people !

Lastly I like to tell this honourable House that the Fuleli has not yet suffered. The Fuleli zamindars are not asking for any improvements. The Zamindars association is not begging for it. The representatives of the Fuleli canal people are opposing this waste tooth and nail. So you see there is no demand for this sum from the people who should count. Do you think that if the people of this tract really wanted these improvements, their representatives could flout their opinion and face them in the election that is soon forthcoming ? Surely not.

Then who are asking for these improvements ? The Honourable the General Member says that some (newly created) association (which came into existence after the visit of the honourable member in last November to Sind) headed by one Rao Bahadur (who is a zamindar in making as he has got some grant of land from Government), is clamouring for it. Well you can understand what weight should be given to it. The Honourable General Member states that he has received wires. Well we have not yet forgotten how Sir Simon was literally flooded with telegrams sent by dubious bodies, artificial associations and persons living as well as dead. It is evident that it is not difficult for Government to get as many wires as it desires to receive.

I hope I have said enough to convince the members that they will support the cuts and save the presidency from unnecessary loss.

Mr. H. Dow *rose*.

The Honourable the PRESIDENT : Before I allow the next speaker to go on, there is one thing which I want to say. The House has been informed by me that the discussion on this subject will close positively

[The President]

at 6 o'clock this evening. Those honourable members who have really tried their utmost and succeeded with the assistance of the Government benches to bring about a discussion under this head should certainly have a prior opportunity to have their say in the matter. I would, therefore, request the Government benches to give them that opportunity. The Honourable the General Member, while introducing the demand, has made a full and long statement, and I suppose the object of the discussion is really to get the opinion of the other side, particularly those honourable members who wish to speak. I would allow one honourable member on this side (Government benches) to speak to afford greater opportunity to the other side.

Mr. H. DOW : Sir, I think that you personally are perfectly familiar with the Fuleli tract, and are familiar with the fogs and mists which are to be found in that tract this time of the year. It is only natural that honourable members who come from that tract should try to reproduce in this House the mists and fogs with which they are familiar and which apparently they find so grateful and comforting. But these mists do not last very long when the sun comes up, and a very little warmth will dispel them. I think it will be just as easy to dispel some of this mist and foginess which has been created in this House.

The honourable member from Hyderabad has laid stress on the fact of his sincerity. I do not think any member doubts his sincerity in this matter. This question appeals to something which is stronger than his head, something that is perhaps tenderer than his heart ; this matter goes right down to the pocket and to the stomach. He and the zamindars from that tract fear that their interests are threatened, and no doubt they are sincere in this fear, and put their case as strongly as possible. But, Sir, I do think the honourable member might have started off with a better argument than the assertion that the great Fuleli has never been touched by the hand of man, that it was made by the Almighty Himself, that it has been blessed by the Pirs and Saints, and by all the wizards with their spells and incantations, and that therefore the Public Works Department should take very great care how they set a finger upon this canal to touch it in any way. That is all very well, but it happens that this beautiful Fuleli, which has been untouched by the hand of man according to the honourable member, has had to be furnished in comparatively recent years with a new head seven miles long, because the Almighty diverted the river altogether from the old head, and I do not know where they would be in spite of their natural Fuleli, if something had not been done to it by a mundane agency. In fact, we have here another example of the truth that God helps those who help themselves.

There is a very long history behind the Fuleli tract and the agitation of the present zamindars. I could show you that they have always been the best organised community of zamindars in Sind, and have always known how to bring forward their case with a very powerful advocacy, but I do not propose to go into that now. But I must mention that it is

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only natural that the tail zamindars have only recently formed their new association. An association like that does not spring up until zamindars feel that their interests are threatened, and it is only now that they have begun to feel that.

Not being an engineer, I do not propose to go into the technical details, but I do want to discuss the main question, which is whether the water in the Fuleli shall be fairly distributed or whether it shall remain in the hands of the zamindars of the head to take what they can and to leave merely what they cannot use to go down to the tail. It is no use glossing over that. That is the main question here which we have to discuss, and in connection with that we have to consider whether these proposals will result in a fairer distribution of water. Modules are not new things in Sind. In the Punjab they are found everywhere. But I would like just to mention one or two things about Sind itself. In accordance with a recent resolution of Government, I have been distributing fallow-forfeited lands at concession rates amongst the zamindars in Sind. I will show presently the relevancy of this. In many areas where there is at present very little water supply, the zamindars have asked me to put off the grant to them of fallow-forfeited lands, even at concession rates because even the small sum which they would have to pay for these lands could not possibly bring them any profit for a few years, and so they do not wish to take them up until water is available. But, Sir, in one taluka, *viz.*, Nawabshah, there are no less than 25,000 acres of land which have been fallow-forfeited since about 1910 or 1911 and there is a strong demand from that taluka for the land to be given out as early a date as possible. The reason is the amount of moduling that has taken place on the Nasrat and Dad Canals. As a result, there is now plenty of water at the tail of canals where the zamindars have not seen water for years. That is entirely due to moduling.

I will go into one particular instance namely, deh 104, village No. 104, with which all zamindars in Sind are familiar. The area of this village is some 2,000 acres. Until three or four years ago, the whole of that village was vacant. Land had been given out to big zamindars and small zamindars (not sold to them at high rates) free of cost. What did they do with it? Nothing. There was no water and, therefore, no cultivation. But, as a result of moduling the Gaja Wah, which leads out from the Nasrat Wah, water has been made available for this deh, and I held an auction on that deh only a fortnight ago. The land was settled on no less than six different water courses. The House has been told of the result of that auction and that we are already getting about Rs. 150 an acre for good land, and anything up to 100 rupees per acre for land which has never been classified as good, but is merely culturable. In greater detail, I would like to tell the House that land at the tail of either the fifth or the sixth water course (I do not clearly remember which) was bought by peasant colonists who are already settled in Sind. I ask the zamindars whether in the absence of proper distribution of water in that village, a peasant colonist, not a powerful man who can hold his own against other people, would have bought land, not as an ordinary

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peasant but buying as a zamindar at full rates. Would he have ventured to do that if it had not been for the proper distribution of water? Everyone knows he dares not do such a thing.....

MR. NOOR MAHOMED: He could.

MR. H. DOW: He could, but he would not.

The whole barrage project has been designed on the assumption that water will be properly distributed throughout the area by means of modules. Here we are up against a principle. There is not the slightest doubt about it that these modules will give a better supply of water to people at the tail; that without modules the people at the tail get no supply of water at all. Now, this attack is the thin end of the wedge and, I say this with full responsibility that you cannot, in the case of this very large canal, the Fuleli system (which as the honourable member Mr. Noor Mahomed has pointed out to you is the largest canal system in Sind) admit the principle of inequitable distribution without being pressed on all sides for the extension of the same principle to the whole barrage area. I do not know how, if you give way on this point, you will be able to resist giving way in the face of the pressure which you will get from zamindars throughout the whole of the Barrage area. If you say you are not going to distribute the water properly, that you are not going to module, that the man at the head is going to be allowed to take what water he can and to let what is left go down to the tail, and if you are going to apply the same principle to the Barrage area, I tell you that you may just as well write the whole of the Barrage scheme down at once as an utter financial failure, and I should join hands with the honourable member Mr. Mir Mahomed Baloch at once in trying to press Government to cut their losses and to stop this scheme where it is now. That, Sir, is the main point at issue here. If you are not going to distribute the water fairly, you cannot expect to make the Barrage pay, and if you are going to admit that principle in the case of the Fuleli, I do not know how you are going to resist the pressure that will be brought from many directions when the same principle arises, as it will very soon arise, in the Barrage project.

Now, Sir, we are sometimes pressed to regard these modules as being merely experimental. We are told "Go on with one canal or water-course, and next year, if it is successful, we may add another." Sir, how can one regard this as still being experimental, when years before the whole of the Barrage project has been designed on the assumption that water must be distributed properly? If it is not to be distributed....

MR. LALJI NARANJI: On a point of information, was this moduling or regulating the supply of water equitably included in the estimates for the Barrage that were placed at the time before the House? I shall take the honourable member's word for it, but was it included in the estimates that were placed before the House?

MR. H. DOW: As far as I understand the honourable member's question, it is, "Did the estimates for the Sukkur Barrage, as placed before this House, include provision for proper moduling of the canals?"



Mr. LALJI NARANJI : Yes, that is my question. I refer to the Sukkur Barrage canals.

Mr. H. DOW : The answer to that is in the affirmative. Now we are asked to go back on that and to regard the whole thing as experimental.

Mr. LALJI NARANJI : Why should you then join with the honourable member Mr. Baloch ?

Mr. H. DOW : Because this matter cannot rest here. If you are going to reject the principle in this matter, you are helpless when you are asked to modify the principle in the case of the Barrage canals. Most of the saleable land under the Barrage canals is at the tail of canal systems, and if you do abandon that principle, then it becomes absolutely unsaleable at once, the moment you announce to the world that you are still tinkering with this matter of proper control of water. Not only the zamindars on the Fuleli, not only every zamindar in Sind, but all your prospective buyers throughout the country are watching the result of this debate, and if you are going to weaken on this matter, they will not come to buy the land at the tail of the canals, and the whole project must be written down as a failure.

That, Sir, is my main point, but there are one or two points which have been raised by my honourable friend Mr. Noor Mahomed which I do not think can be passed over in silence. He has told us that this area can grow nothing but rice. When I came to Sind in 1910 and for long after that, there were large tracts of land which were covered with rice where no rice is found to-day. I am thinking particularly of the Mithrao area. The zamindars of that area, round about 1913 to 1916, when I was most familiar with that tract, thought in exactly the same way as my honourable friend Mr. Noor Mahomed does about the Fuleli. They said that the land was saltish, that they could not possibly ever grow anything but rice. I could take you to that tract to-day, and you will find no rice at all, but you will find excellent crops of cotton growing all over the area. Even with regard to the Larkana area, which is now covered with rice, and where I believe there is now no cotton, the same point could be made. I happened to be reading in an old book the other day about the excellent cotton crops that were growing there in 1846. So there was a time when that area did grow cotton, and the reverse operation has taken place. I am not denying that it would take the zamindars a certain amount of time to adjust themselves to new crops. But my point here is that if it were necessary to abandon rice over certain areas, it would not spell the ruin of the tract, but it would be possible to grow other crops. I am quite prepared to believe that there are some places where no other crop but rice could be grown at present. But when the honourable member from Hyderabad asks us seriously to believe that if water in this canal was stopped for only three days the whole crops would be ruined, he is not only talking nonsense, but I feel he must know that he is talking nonsense. Does he mean to say that there has never been.....

Mr. NOOR MAHOMED : Abuse is no argument.

Mr. H. DOW : It is not abuse ; it is pure description. Does he mean to say that there has never been a time in the history of the Fuleli tract when water has been stopped during the season for any particular crop or for any particular area as long as three days ? I would just give him one instance ; that is, for the area under the Desert canal. This is a tract with which certain honourable members are very familiar. I am afraid they are not present in the House just now, but there are honourable members of this Council who can hear out every word of what I am going to say about the Desert canal. This year the head of that canal utterly failed, and for only three days during the whole season did the canal actually work at full supply level. What was the result ? For three-fourths of the whole season rotations were in force on that canal which, I believe, grows little but rice. They grow very excellent crops of rice, and the crops this year have been no exception to the rule. All the crops on the canals have been fully matured, although rotations were in force for three-fourths of the whole season, and although for only 3 days was there a full supply in the canal. I make a present to the honourable member Mr. Noor Mahomed of these facts.

I would like to point out that the people at the head are not really as despairing about the future as they seem to-day. I do not blame them for putting forward their views as strongly as they can. They are at present in possession, and they realise (or they think at any rate), that they are likely to lose by these proposals, but they cannot deny that people who are at the tail and in the centre of these canals are going to gain. Sir, it is the duty of an honourable member to represent his constituency, but I do not know whether it is his duty to represent only the people who have voted for him. That is a matter which, I believe, has been discussed from various points of view, and on which I do not wish to express an opinion.

Mr. NOOR MAHOMED : I rise to a point of order. Is it not an insinuation that those who advocate the omission of this grant are representing only a section of the voters or only those who have voted for them ? The point, Sir, is whether you would hold that as proper. We have been listening to these insinuations from the morning from the Government benches. The insinuations started with the Honourable the General Member, and they are ending with the Revenue Officer, Lloyd Barrage.

An Honourable Member : Why ending ?

The Honourable the PRESIDENT : I have not followed the point of order.

Mr. NOOR MAHOMED : The honourable member says that an honourable member is at liberty to put forward the views of his constituency, but he asks whether it is right for him to put forward only the views of those who have voted for him, insinuating thereby that the views we are placing before the House are only the views of our voters. You know, Sir, very well on account of the ballot system we never know who voted for us. The insinuation, therefore, is apparent.

Mr. H. DOW: I take it from the honourable member that he comes here to represent the views of both those who are for and against him, I do not discuss that point at all. What I say is this: That he has represented to the best of his ability the point of view of the people who have voted for him. I express no opinion whether it is his duty to do so or not. But I do want to point out to this House that there are other interests. Land in Sind only pays revenue when it is cultivated. The zamindars in Sind only get a vote when they pay land revenue. The people at the tail, if they get no water, get no cultivation. If they get no cultivation, they pay no revenue. If they pay no revenue they get no vote. One incidental result of the proposals which the Honourable Irrigation Member has put before this House for its sanction will be a large increase in the number of voters in the constituency which the honourable member Mr. Noor Mahomed is now representing in this House.

In conclusion I want to refer to one small item which has come to my notice in the course of last week. One gentleman, who is not a member of this House, has come to Bombay and is doing a good amount of canvassing. He is a zamindar at the head. He has at present an option to purchase a large amount of land at the tail of the Fuleli in the Badin taluka. That option is still open to him. I have not the slightest doubt that if the provision which the Honourable Member in charge of Irrigation has put in the budget is duly carried he will exercise that option and purchase the land at the tail. If, on the other hand, the forces of re-action are going to prevail, he will not exercise that option, and I think it will be very wise not to do so.

Rao Saheb D. P. DESAI (Kaira District): Sir, I request the Government not to bring forward this motion at the present time. Before bringing it here, they should have made exhaustive enquiries as regards the effects of the barrage on the lower reaches of the river Indus. Then they could have safely brought in a motion of this kind. In any case unless a thorough investigation of all sides of the question is made such piecemeal motions will lead to great suspicion on this side of the House. This is not the only thing of this nature to come before the Council and I understand that there are others to follow. We have been thrown from the Back Bay fog into the Sukkur Barrage bog and we are now faced with the prospect of being thrown into the marshes of the Lower Sind.

A great deal is being made about the distribution of water. Any reasonable man would agree to such a proposal but the consideration that comes in the way is that Government have not examined all aspects of the question. Why was not the Council taken into confidence at the time its sanction was taken for the Sukkur Barrage scheme? Why did they not then inform this House that there would be less supply of water in lower Sind and practically from Sukkur Barrage zone downwards? Why did they keep it a secret? Now that secret has been revealed by the honourable member Mr. Dow.

The Honourable Sir GHULAM HUSSAIN: Did you not hear it from the Irrigation Member?

Rao Saheb D. P. DESAI : The Honourable Member never stated that the water in Lower Sind would be reduced so much that it would have to be distributed by modules. He told us that the canals would have to be re-modelled. But it was never stated that the supply of water would diminish and that it would have to be distributed by means of modules. The question is that they never stated it then that they would have to rob Peter to pay Paul.

Mr. H. DOW : Why should they ?

Rao Saheb D. P. DESAI : I will come to that.

The Honourable the PRESIDENT : All that is to be done within 10 minutes.

Rao Saheb D. P. DESAI : I should like to bring to the notice of the honourable member Mr. Dow and the Honourable the General Member that the interests at the head had been created and taxed for the last 100 years. These interests you now propose to materially reduce in order that some new interests may be created at the tail end of the canals. Now, are you going to charge more revenue from the tail people ? That is one point. Another point is : Are you going to compensate or reduce the assessments of the people who are to be robbed ?

The Honourable Sir GHULAM HUSSAIN : Not robbing any one.

Rao Saheb D. P. DESAI : I do not know whether the zamindars at the head have a right to go to the High Court. If they have that right I am sure the High Court will decide in their favour. They have given a similar decision in my own district, in which Government constructed some works at the head. The people at the tail having a prior claim brought the matter before the High Court that they should have the benefit of that system of irrigation in preference to those at the head who had been newly created. They won the case. But even this I would not object to. But there is one point of greater importance to be considered in that connection. The honourable member Mr. Noor Mahomed when he moved the cut raised one point which has got to be considered by Government, and that is, that they have got salt lands under the Fuleli Canal, and as you know salt lands can grow only rice....

Mr. H. DOW : That is not true.

Rao Saheb D. P. DESAI : Salt lands can grow rice only and that too if more water is given. Are you going to reduce rice cultivation by giving less water ?

The Honourable Sir GHULAM HUSSAIN : Not at all ; we will maintain the present supply, and even increase it.

Rao Saheb D. P. DESAI : Again, Sir, I am afraid this 50 lakhs of rupees provided for these improvements will not give a return. At present under the Fuleli Canal you have 4 lakhs of acres under cultivation. If after these improvements there is no increase in the area cultivated, then these improvements will be an uneconomic proposition ; Fuleli Canal instead of being productive will be an unproductive work.

[Rao Saheb D. P. Desai]

These are some of the points which require consideration at the hands of Government. Until an enquiry is made into these questions, we shall unfortunately have to vote against these measures. The Honourable the General Member knows that the total capital expenditure, direct and indirect, on the Fuleli up to this date is 68 lakhs. On the same canal he is now proposing to spend another 50 lakhs. How can the agriculturists owning only 4 lakhs acres of irrigable area under the Fuleli Canal, whether they are at the head or at the tail, bear this additional charge? Instead of this, I would request the Honourable the General Member to examine one point. In the area commanded by the Fuleli there are still one million acres of unoccupied and unirrigable land. By developing this area, I am confident that the loss that would accrue under the Sukkur Barrage project might be compensated.

After all, the whole burden will fall on Sind. The presidency people will some day come forward and say that they cannot assume any responsibility for these projects and the expenditure incurred on these various projects in Sind should be taken over by Sind. The time may come when the presidency people will stand against such proposals. But if a really productive project were to be proposed, then of course the presidency members might consider it. But the Honourable the General Member would be well advised to withdraw the whole item and let things stand as they are, until the effects of the Sukkur Barrage on the lower reaches are felt. Personally, I am of the opinion that at Hyderabad, Kotri and in the Fuleli zone the water will perhaps revert by percolation to the original channel. Personally I am of that view. But if Government believe that the areas in Lower Sind will be affected just as the areas in central Sind will be affected by the Punjab withdrawals, then a barrage may be constructed at Jheruck. But these things should not be brought piecemeal by Government. When they bring the whole scheme, including the Barrage and every other item, then, it will be time for the House to consider it on its merits.

### **Election of representatives to Railway Advisory Committees.**

The Honourable the PRESIDENT: Order, order. There is the question of the election of representatives from this House to the railway advisory committees. The following names have been duly proposed and seconded:

For the G. I. P. Railway Advisory Committee:

Mr. Owen,

Rao Saheb Patil,

Mr. N. R. Gunjal, and

Sardar G. N. Mujumdar.

For the B. B. & C. I. Railway:

Mr. W. S. Mukadam.

Mr. J. B. Desai.

[The President.]

Mr. Dawoodkhan Shalebhoy, and  
The Thakor of Kerwada.

For the M. & S. M. Railway :

Mr. L. M. Deshpande, and  
Mr. D. A. Janvekar.

The voting papers will be distributed after tea interval.

*After Recess.*

The Honourable the PRESIDENT : Order, order. Of the candidates I announced, before adjourning the House, on the G. I. P. Railway Advisory Committee, Rao Sahab D. R. Patil withdraws and I understand on the B. B. & C. I. Railway Advisory Committee Mr. J. B. Desai withdraws, although I have not received his withdrawal in writing. The names have been put down as announced by me before, and honourable members when they get the voting papers will see that the names of Rao Sahab Patil and Mr. J. B. Desai are struck off from the respective voting lists. The voting papers will now be distributed to honourable members.

The scrutineers will be the honourable members Mr. Oliveira and Mr. Joshi.

*(Discussion on the motion for the omission of Item No. 73—*

*Improvements to Fuleli Canal—resumed.)*

SYED MIRAN MUHAMMAD SHAH (Hyderabad District) : Sir, I rise to support the cut moved by my honourable friend Mr. Noor Mahomed. Sir, I have listened to this debate with great sorrow ; the tone of the speeches made by the honourable members on the opposite benches has been most unparliamentary, I should say. There have been only insinuations rather than arguments. Sir, we have been put in the position of accused persons. Witnesses have been cited against us and we have been called upon to give defence so as to be honourably acquitted. Sir, I hope on the floor of this honourable House I will be able to satisfy my honourable friends that these accusations and insinuations are false and are made simply in order to turn a bad case into a good case. Sir, apart from the other things, look at the motives that they have attributed to us ; we who represent Hyderabad district and who try to explain the case of the Fuleli tract to this honourable House are described as people who are not the true representatives of the people at the tail of the canals in that tract. But, Sir, this is one way of propaganda. Vigorous propaganda has been carried on outside this honourable House, and this is a branch of that propaganda that has been tried by one honourable member to vitiate the atmosphere. Here also I can assure the honourable member who has adopted that propaganda here that we are as much the representatives of the people at the head as of those at the tail. We are representatives of both. I will give him an instance. He will agree with me that this is the last portion of the Tando division, and K.... was a village which was quite a barren place, almost a desert, and in this bye-election only I was returned. It is a place where you can expect very

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little water. From that place all the votes were given to me, and also on the entire coast, where there was water, the votes were given to me. What would you call me, a representative of the people at the tail only or a representative of the people at the head only? I am a representative of the people who live in the desert as well as of the people who live in towns or villages. I have to protect the interest of both. Everything is to be decided on the merits of the question. This sort of propaganda is not going to affect the real issue before the House. Now, the entire burden of the tune that has been sung by the Government Members is this only, that the Sukkur Barrage is going to adversely affect the Fuleli canal, and that Government had given promises to make compensation for the losses that will accrue to Lower Sind on account of the construction of the barrage, and that the rabi people will demand compensation if this honourable House throws out this demand and that the tail people will suffer. Sir, I will agree with him on the two points, that by the construction of this colossal project they are going to inflict a colossal damage upon Lower Sind, and that Government have made promises and pledges. (The Honourable Sir Ghulam Hussain: Hear, hear.) I agree with him there. But what are the remedies suggested by the Honourable Member? (The Honourable Sir Ghulam Hussain: No, by Government, Sir. Government then promised you certain things, which I am carrying out. Nothing of my own.) I am saying you are not carrying out these promises. I will prove that this is not carrying out of promises, but going back on the promises. I will just explain to the gentlemen here who have very little knowledge of what we are talking about and the questions that have been raised here, and I am constrained to say even the Honourable the General Member has got very little knowledge about the lands we are talking of.....

An Honourable MEMBER: He is a zamindar also.

SYED MIRAN MUHAMMAD SHAH: Yes, but he has been a zamindar of recent growth. But we have been zamindars for ages; we are ancestral zamindars, we are zamindars for centuries, and we can understand about these lands very much better than he, although he occupies a higher position on the benches here. The question is whether the head people are suffering or whether the tail people are suffering. This is a humanitarian doctrine that is being propagandized here. Sir, is there an equality of interest in the economic world? Is it possible in this world to equalise all the interests here? All right, Sir. There should be no difference between the pay of the Honourable the President of this House and the Honourable Executive Council Members, and the Honourable Executive Council Members and the Honourable Ministers, and the Honourable Ministers and the clerks. Why should there be difference? There should be equality all round. But this is the way of the world, which requires that there ought to be degrees in the income and the advantages that a particular class are drawing over the others. All right, if you want to have a propaganda to equalise the interests, then by all means equalise the interests, but equalise everything. Now, Sir, I

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am scrutinising the question on its merits, whether it is really so that the head people are at an advantage. We are going to pay for that. In Sind lands are divided or are classified according to the facilities they have for water, etc. There is no separate rent for water and for land as in the presidency proper. It is amalgamated; but the classification of assessment is based upon the propinquity of the land to water. Facility for water is the deciding factor for establishing the rate of assessment. There is assessment of Rs. 4½, Rs. 3½, Rs. 2½ and Rs. 1½. There are four classes into which land has been divided. If I pay an assessment of Rs. 4-8-0, why should I not get more water than the others? But, in spite of this fact, it is not a fact that the tail people are suffering simply because men at the head draw more water. According to the original irrigation settlement, the pre-British settlement,—everybody was to get water. If you look at the system of irrigation in pre-British days, you will see that all the channels or water courses were big. They were never shallow: they were never on higher level, just as the Sukkur Barrage is going to be when constructed. My honourable friend the Revenue Officer, Lloyd Barrage, made a great exhibition of this knowledge of Sind soil, and he wanted to bring about an analogy of the Sukkur Barrage with that of the Lower Sind, and he said “if we are not going to apply this principle in the case of the Fuleli, do not apply the principle to Sukkur Barrage also and stop the whole thing and the whole scheme will be a financial failure.” But, Sir, it is only a shallow argument. You cannot apply the analogy of Sukkur Barrage to this. Look at the depths of the canals. There they are deep, and the canals of Sukkur Barrage are so designed that they stand on a higher level. The channel is not so deep. It may be only a few feet deep. The bund is raised in order to.....and they are very straight. There will be no.....; they are quite in a straight line. If you are going to have a look at those old canals of pre-British days, of over 200 and 300 years ago, you will find they are very deep. How can you apply the analogy of Egypt.

What is the condition of the soil? The Mirwah canal, the Jamrao canal, the Sukkur Barrage are all new canals and planned according to new ideas and you cannot supply modules only in the old canals like the Fuleli. What will be the result if you are going to apply this module system to the Fuleli canal in order to carry water to the tail? I am sure that none of the honourable members from the opposite side will be able to explain to you what that bogey of modules is. Even we could not realise it at the time when it was being preached to us by some of the engineers of Government and we had to go actually and see with our own eyes what a module was and what it looked like. (Producing a paper) It is like this. I made this in order to bring home to you what a module is. This is the water course. Supposing you have a canal flowing and there is a karia on the water course, then supposing the original mouth of the karia is four feet, according to the new system it becomes reduced to four *inches*. When I asked them whether my water was going to be reduced, they said “Yes. We are going to reduce it



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because you are going to waste water. We are not going to allow you to squander water like that but we want to supply water to the poor people at the tail who are suffering from a scarcity of water." I said that I had enjoyed this privilege for over 200 years, that they had no business to take that right away, that they had no authority to interfere with my vested rights of 200 years. The reply I got was that they had every right to take my water. I asked them "But do you wish that I should be driven to destitution and should I go abegging because my soil cannot produce any other crop than rice and rice always requires constant watering?" What answer do you think I got? The same as before. The honourable member, the Revenue Officer, Lloyd Barrage, Mr. Dow, ridiculed the honourable member Mr. Noor Mahomed saying that by stopping water for three days, the crop will go dry and he called it nonsense. I can, however, assure the honourable member Mr. Dow, if he has got any practical knowledge of agriculture, that if you stop water even for three days in the Fuleli tract, the condition of the soil there is such that the cultivation will not dry out and no such calamity will happen. The crux of the matter is that Government are looking at the matter from the point of view of whether or not they will be able to realise their revenue. In fact, Government can realise their revenue all right. Supposing my survey number which measures 100 acres is cultivated and I get a produce double that amount, our landlord Government will realise its own share of one-third. If nothing is produced from it or if only a small percentage of the crop is grown in that piece of land, under the remission rules Government is not worse off but it is the zamindars who will suffer. What is the net outturn, what is the net income, deducting all expenses, looking to the zamindar's troubles; looking to the needs of his family and looking to his status, his standard of life, his own maintenance? How is the zamindar going to live? Government is not looking from the nationalist point of view but from their own point of view namely, whether they will be able to realise their revenue all right.

There is another point I wish to refer to before resuming my seat. These tails, about which Government now show so much concern, are the creations of their Irrigation Department, because these tails have been allowed to silt up; every canal is allowed to silt up. How, then, is water going to run to the tails? When a canal silts up, the position becomes the reverse because the water, not being able to run to the tails, comes back and acquires a tendency to flow back to the mouth of the canal and naturally the people at the mouth or the head naturally take all the water that they can. All this because in the past no steps have been taken to clear up the silt that forms in the canals. I will revert to the canals which have been mentioned by the honourable member Mr. Noor Mahomed. If you will refer to page 296 of the Blue Book, you will see that they have 27 canals, out of which 14 get good water because they are above the regulator and three, namely, Shahwah, Mulchandwah and Imamwah (mentioned at the bottom of the page) are not working well in spite of their being above the regulator. What is

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the reason? They say the reason is that there are no modules there. Take the II. .... canal which starts at the bottom of the regulator. What is its condition? It is 27 miles long. If you travel for six to seven miles along it, you begin to see that water cannot run down easily on account of the accumulation of silt which has not been properly excavated which of course prevents the water from reaching the tail. The same is the condition of almost every canal. This is how the canal maintenance establishment is "maintaining" these canals!

Now I come to the bogey of "compensation" which has been brought forward to frighten the House into granting the demand and passing the new scheme of improvements on the Fuleli canal. The Honourable the General Member says that if we wait till 1934, rabi cultivation will suffer on a huge scale. I will take the two talukas of Tando Adam and ..... I will take first the ..... half; the remaining half will be ..... Half of it will be watered so that we shall be reduced to about 20,000 acres. In the first year of the completion of the barrage, namely, 1934-35, there will be some water led into the Fuleli. The Honourable the General Member raised the question of gardens along the tails of certain eastern canals. I say there will be water in the Fuleli and that water can be allowed to flow down to the tail to water the gardens. Let that water flow down to the tail people to use as they like. We have been under the new scheme reduced to only 20,000 acres. Do you think 20,000 acres are going to suffice the needs of lakhs and lakhs of people? The House and the Government should not be carried away by this bogey of compensation. We must see whether there is any genuineness about it, and whether this point has not been brought forward merely to frighten us into agreeing to the scheme put forward by Government. I request the Honourable the General Member to look at this whole matter from the point of view of the benefit it will give us. The only consideration that should weigh with Government in deciding this question should be that of the benefit to the people concerned, in other words, the guiding principle should be the likelihood or otherwise of this scheme bringing us more water. Do the engineers say that it will bring us more water.

The Fuleli has two mouths. They are going to shut them off. In answer to my question in this House the other day, the Honourable the General Member replied that the Fuleli canal would be scrapped so that we would get that additional water which would be diverted into the canal. The other day, I was talking with one of the expert engineers brought here for propaganda. They also expressed a doubt as to how a canal which has got a particular water capacity could carry more water. How is it going to do that? In the whole world you cannot get a canal which can carry more water than its capacity. If you want to supply increased quantity of water, you must go in for new schemes. There is a scheme for digging a canal like the ..... in the Tando division. If such schemes are brought into existence and passed and carried out, then the Tando division will get some relief and

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will have a proper supply of water. But in all these schemes, they are going to rob Peter to pay Paul. This is the policy of the Government with regard to these schemes, which policy in my humble opinion is most unfair and unjust. No question of prestige is involved in this matter. Several schemes have been withdrawn. I do not know why the Honourable the General Member is showing such extraordinary enthusiasm for this scheme. Sir, my point is that it is not going to be productive at all. My honourable friend Mr. Noor Mahomed has told the House that it is only about 1,548 acres that will be brought under fresh cultivation, and nothing beyond that. So that, it will be only a few hundreds of acres more that will be brought under cultivation and for which Government can get any return, and nothing beyond that. As regards the deputation of Rao Bahadur Hiranand Khemsing, that has simply been bolstered up to support the scheme. I have had the honour to be a member of that deputation. Rao Bahadur Hiranand Khemsing gave expression to his views before His Excellency the Governor. Never mind if he is a great man. But I declare here my view, after seeing the experiment, that modules are going to be destructive; they are not going to be beneficial. The whole scheme in bosh. It is only by the construction of the weir that we will be benefitted; otherwise not. Rao Bahadur Hiranand Khemsing's brother is the Secretary of our Association which has been in existence for the last 20 years, and Government are going to listen to the views of an Association which owes its existence to the Honourable the General Member and his engineer. Rao Bahadur Hiranand's brother is sitting in the lobby, and he has been an enthusiastic Secretary of our Association which has been in existence for 20 years. Now, Sir, to whom are Government going to pay attention? My honourable friend Khan Sahab Allalibaksh will bear me out that thousands and thousands of people are crying in the face of the Honourable the General Member that this is going to do them harm rather than good. They said it is the creations of the engineering department that make them cry out. What they have done is to give some of the zamindars more lands and those lands have been converted from rabi into kharif in spite of the scarcity of water, and it is those people who support the proposals of Government. Are these the ways of Government? And these favoured people are brought down to popularise the scheme. I would appeal to my honourable friends to look at the thing dispassionately, from the point of view of the interests of the poor people. I advocate the interests of the poor people whose lands, houses and children will be ruined for ever. Therefore, I say, see the results of the Barrage; see how far the Barrage is going to be detrimental to the interests of these people, and then take action accordingly. Let there be a committee of non-officials and an independant engineer. Let them investigate the whole matter; meanwhile let us see the results of the Barrage. It is not going to affect us in such near future as the Honourable the General Member seems to think.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I had no intention of inflicting any speech on this House, after having taken the

[Mr. Jairamdas Doulatram]

decision to leave the Council at the end of the current session. But because it is necessary to clear the air in regard to a matter which has been before us for a considerable time both inside and outside the Council, I feel that I ought to place my views before this honourable House. I will seek your indulgence, Sir, and the indulgence of the House if I take more time than I really intend to.

The Honourable the PRESIDENT: The discussion must stop at 5-30, to give an opportunity to the honourable mover and the Honourable Member in charge.

MR. JAIRAMDAS DOULATRAM: I am afraid that any remarks that I make will probably be pleasant to none of the two or three parties in this House. I feel that I can speak, to-day, with probably greater freedom than most members of the House, though the views I hold are the views I held even a year ago. My honourable friend Mr. Noor Mahomed has made reference to his duty to his constituency. Though I part company with my constituency in a few days, yet I think I neither fail in my duty to my constituency nor in my duty to something higher, and that is truth, when I express the views which I am expressing to-day.

Sir, it is true that my honourable friend Mr. Noor Mahomed created a little fog in his introductory speech. But I am not sure that my honourable friend Mr. Dow did not create another fog while trying to remove the original one. I think it is but proper that Government should frankly and plainly place their views before this House, unlike what they did when the Barrage scheme was under discussion. To some extent, I sympathise with the Member in charge of Irrigation. The difficult position, the awkward situation in which he finds himself to-day is the creation of one of his own predecessors. I was not present in the Council then, but I know a general impression was created by public and private discussions that the injury which the Sukkur Barrage would inflict on Lower Sind would not after all be so great as was being maintained, and it was these assurances that the injury will not be serious, and that it will be easily remediable which led several members of this House, despite the protests of the Bombay members, to vote for the Sukkur Barrage scheme in 1923. I wish Government had then used the words which the Honourable Member in charge now uses, namely, "that millions will be ruined," or even that "lakhs will be ruined." I am certain that if Government had at that time placed before the House the correct position, probably these difficulties would not be before them. I have also a word to say to my honourable friends from Sind. I am really gratified that though it may be, as some people would say, bread and butter or their pockets,—I would use the expression enlightened self interest—it is making them put up such a stern and stiff fight against Government, a fight with which they are usually not familiar. I only expect them to realise that there is the larger interest of the people of India as a whole which is often forgotten by them and I am certain that if their future behaviour in this Council is dictated by those larger interests rather than the smaller interests of their division or their

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constituency, they will not find themselves in the difficult position in which they are to-day. Sir, with these preliminary remarks, I will come to the question under discussion.

Sir, the fog that has been created is that whereas there are really two principles involved in the scheme, one is being emphasised by the zamindars and the other was emphasised by the honourable member Mr. Dow. It is not that the question of modules is the only question which is implied in the scheme. The scheme is intended, and that is in my opinion its dangerous aspect, to be a substitute for all the remedies which can be applied to prevent the Fuleli tract from suffering severely, as all now say it will, after 8 or 10 years. It is not that this scheme is part of a bigger scheme in which a barrage or weir or regulator across the Indus is to be the subsequent part. It is because it is not part of such a scheme that I am not at present inclined to support the project now proposed by Government. What do Government expect after the expenditure of this money and after the expenditure of another 50 or 60 lakhs for the Karachi district? It is suggested that the whole of Southern Sind will be saved from the effects of the Barrage. I do not claim to be an expert, but I and some other friends have been trying to study this problem for over a year and I am convinced that just as withdrawals of water above Sukkur necessitate a regulator or barrage at Sukkur and just as the withdrawals of water by the upper reaches in the main Fuleli Canal itself necessitate regulators at different points to head up the water, similarly the withdrawal of water between Sukkur and the Fuleli will necessitate a regulator across the Indus just near Kotri or Jherruck. It is impossible to conceive, if there is any logic or reason in the arguments given to us for Sukkur Barrage, that it would be possible to maintain a sufficient level at the head of the Fuleli in order to irrigate Southern Sind. I therefore feel that it is the duty of Government to commit itself to-day, as definitely as is possible, to the construction of a weir or regulator or barrage at Jherruck or other convenient place. I am not satisfied with the expression "Government are prepared to investigate the problem." It need not take Government very long, if they are earnest about it, to come to a decision in regard to this question.

I would therefore press upon Government to withdraw this demand now, to bring it up again for discussion in the July session, and give the Presidency members a chance to understand the technicalities of the problem on which they are called upon to vote. I have discussed the matter with the presidency members and I find that several of them are not able to grasp exactly what is being proposed and what is being opposed. I do not think that it is desirable for Government to press the motion to a division on the strength of their majority as the question involved in it is a very vital one.

I have a few words to offer in reply to the remarks made by honourable members from Sind who spoke on this motion. It was stated that there was no question of head or tail. I myself come from a constituency

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in which there are zamindars both at the head and at the tail. I have had discussions with both of them. Whatever their conflicting views, my own conviction is that the figures before us conclusively prove that it is not possible for the zamindars who are at the tail of either the main Fuleli canal or its branches to get a proper supply of water unless there is some system of regulation. We have been told that because the zamindars at the head have been enjoying the present supply of water for the last 100 years or so, they should not be disturbed and they should continue to have the same amount of water. The residents of the Fort area in Bombay have, probably, been enjoying a good supply of water all these years. If to-morrow a new area is developed in some other part of the city and if the municipality of Bombay has to withdraw some water from the main channel for the sake of the new area will the residents of the Fort be justified in complaining: "We have been enjoying a good water supply all these years and we will not now have a reduced supply of water."? If it is a fact that the water supply is going to be diminished—I am not satisfied with the statement of Government in this behalf and I fear it is going to be seriously diminished—there must be some system of regulating it. My honourable friend Mr. Miran Mahomed Shah said that the people at the head pay more, a higher rate of land revenue. But then the people at the tail may retort: "We are prepared to pay the same rate if you give us the same water supply." What reply have you for that? I do not want to trouble the House with many figures. I have got here figures for the 30 canals or so which take off from the Fuleli canal. I will read only a few of them. In the first canal the zamindars in the upper reaches are able to cultivate 76 per cent. of their holdings, while in the lower reaches only 50 per cent.; in the second canal in the upper reaches they cultivate 38 per cent. and in the lower reaches 18 per cent.; in the third canal in the upper reaches they cultivate 32 per cent. and in the lower reaches 8 per cent.; then 56 per cent. in the upper reaches and 20 per cent. in the lower reaches; 56 per cent. in the upper reaches and 20 per cent. in the lower reaches; 91 per cent. in the upper reaches and 7 per cent. in the lower reaches; 79 per cent. in the upper reaches and 63 per cent. in the lower reaches; 58 per cent. in the upper reaches and 8 per cent. in the lower reaches and so on. I find that in 28 out of the 30 canals which branch out from Fuleli, the zamindars at the tail are able to cultivate a very small percentage of their area. I do not think this is fair. Some system of regulation is inevitable. Arguments have been advanced that because the lands were purchased thirty years ago the water supply should not be curtailed, but they do not carry conviction with me. I feel what Government ought to do now is to withdraw this demand now and bring it up in the July session. The mere fact that you are going to have a system of regulating the distribution of water will not ensure a greater supply to the zamindars on the Fuleli as a whole. Unless there is an arrangement to head up water, your system of regulation will fail. The Council should press for the withdrawal of this demand and suggest that it should be brought up in the July session. By that time the question as to how this regulation

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is to take place and whether or not a barrage is practicable will be thoroughly discussed. If it cannot be brought up in July, I see no objection to its being brought up in the next March session. The Sukkur Barrage will come into operation in 1932, perhaps in 1933 and may be even later than that. If Government is able to make their engineers, labourers and contractors work over the Sukkur Barrage all the twenty-four hours and complete such a large work with its thousands of miles of canals in a few years, I cannot understand why it should not be possible in the case of a small canal to work at it also day and night and complete it within two or three years.

With regard to objections from the presidency members, I feel that their attitude is largely due to the way in which the Sind members act in the Council. They also feel that already a good deal of money has been invested in Sind and more money should not be sanctioned. It appears to me that prejudice ought not to be the guiding factor in this affair. It is the duty of the presidency as much as it is the duty of Sind to bear each other's burden. I would expect the presidency members, when they have learnt from both sides of the House, that the people of lower Sind will suffer terribly whether they are at the tail or at the head, to come forward and remedy these matters. I suggest that an additional loan may be raised repayable in 40, 50, or 60 years not by the tax-payers of the presidency proper but ultimately by those who are to benefit by the new Barrage and who purchase the new lands which come to be settled on the Fuleli after that Barrage. I do not see any difficulty in this. I would even go further and suggest that even the interest charges on the new loan should be paid not from the ordinary revenue but from loan funds. There ought, in such a case, to be no objection from the presidency members.

One or two remarks more and I shall close. I do not think that the engineering authorities of the Bombay Government have exhausted their resources in finding out a remedy for the deficiency of water supply in the Fuleli and Karachi tracts after the Sukkur Barrage. It has been suggested that a certain portion of the present area may be settled on the existing Fuleli canal but for the tail portion of the area a new canal may be dug directly from the Indus. I am not prepared to discuss how far this proposal is feasible or practicable. It is a suggestion which probably deserves to be considered. In conclusion I would once again suggest that this matter should not be pressed to a division now but it should be brought up in the July session.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, the previous speaker has made the point clear and made a suggestion to the Honourable General Member with which I agree. He has put so far the local position and the improvement of the supply of water in different places, because he is familiar with the place. I am supporting that view from quite a different point of view. After all Government will agree that this scheme is the only hope of this presidency to recoup the losses they have sustained in the similar previous commercial undertakings. It must be admitted

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that this Fuleli canal also is a part of the Sukkur Barrage scheme. So far as I know the Sukkur Barrage is conducted in a businesslike way and not like the Back Bay and the Bombay Development. The engineering section is doing everything on business principles and even the sale of lands is carried on on business lines.

Now, if this scheme is going to cost several lakhs, is it not fair that the members of this Council should have a clear explanation by figures of this scheme? This scheme was placed before the Finance Committee only a fortnight before the House met. I raised the question then, and I raise it now, that we should be given an idea of the whole scheme. We do not know what the real yield is going to be. At page 298 of the Blue Book it is stated that the yield will be 7·19 per cent. If that is going to be the yield, and we are going to borrow at 5 or 5½ per cent., then we are going to get only 1½ per cent. as profit. But Government have always to provide for any possible excess over the estimates, for possible mistakes, and for natural forces undreamt of before that might occur. With only a margin of 1½ per cent. for all such risks, we should not take up the scheme unless it is going to benefit the cultivators very much.

There is one point which I wish to impress on the Honourable the Finance Member. He is the watchdog of our finances, and he should take care that he does not incur more debts before assuring himself that those debts will bear fruit. We are all greatly anxious to get more revenue, and we have been repeatedly told by Government that these projects will ultimately bring us more revenue. But what is the result? The Honourable the General Member now tells the House that certain promises were made by his predecessor Sir Chimanlal Setalvad when he introduced the scheme in 1923. I will take the House back to what happened in 1923 when the scheme was put through. The Honourable Dewan Bahadur Harilal Desai and myself saw His Excellency the Governor (Sir George Lloyd) who spent one hour with us in discussing the scheme. We pointed out to him that we had no prejudice against the scheme as such, but we only wanted that the whole scheme should be properly explained to the House before its consent was taken. I have put several questions to Government regarding the Sukkur Barrage, but I have not yet got replies. I do not know why Government do not take the opinion of the commercial communities on these projects: they have no interest either in the head area or in the tail area of the Fuleli Canal. Even the Development Department scheme which cost 10 crores only was placed before an advisory committee. What is going to be lost if these schemes are sent beforehand to the Chambers of Commerce? Is it the excuse that the representatives of the Chambers in this House are given all the information? I strongly protest against Government undertaking schemes costing several lakhs without consulting the commercial community after putting full facts. I think the European Chamber and the European commercial community should join hands with the Indian Merchants' Chamber, as they did in the case of the Development Department, and insist that such schemes should be fully explained to them. They should not take whatever Government say as gospel



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truth. I challenge the honourable member who represents the Bombay Chamber of Commerce to say that he has fully understood this scheme. I confess that I have not been able to follow the details of the scheme that the House is asked to sanction. This House must insist on having a comprehensive idea of the whole Lloyd Barrage scheme which is going to cost us 20 crores. I understand from the engineers—both the Harrison brothers—that so far as the engineering side is concerned they are doing their best. But the engineering side is not all the scheme. We will have to spend money also on agricultural research, development of roads and communications, public health and other matters, and this House is entitled to know what the total cost of the whole scheme will be. The Honourable the Finance Member took pride in saying that he was the second Indian Member to handle the finances of this presidency. May I appeal to him and to the Honourable the General Member to go into the full scheme before coming for sanction of these projects in parts? We heard that the applications were made by interested parties. I am not going to support one party as against the other, but what I say is that this House is entitled to ask that it should be given a comprehensive idea of the whole Lloyd Barrage scheme. We are told that these projects are a consequence of the Lloyd Barrage scheme, as on account of that scheme the cultivators under the Fuleli Canal will not get water equitably. I do not say that we should not help those cultivators who are going to be adversely affected: we should do whatever lies in our power to help them. But in view of the financial commitments, I appeal to Government that they should give us all the information possible before asking for our sanction to this scheme. If six months, or even twelve months, elapse before this matter is again brought before this House, as the honourable member Mr. Jairamdas said, nothing will be lost. The Honourable the General Member can then have the full support of the House if the House finds that the scheme will be beneficial to the cultivators of Sind.

Mr. C. S. C. HARRISON: Mr. President.....

The Honourable the PRESIDENT: There are only five minutes.

Mr. C. S. C. HARRISON: I will try and do it in five minutes. Sir, I had intended to speak at greater length, for it is very difficult to say what I have to say within five minutes. I will however take the more important points.

The honourable member from Hyderabad, unconsciously I hope, misled the House by saying that we, the Engineering Department, had limited the cost of the scheme to 50 lakhs because that was the maximum power of sanction of the local Government and for anything beyond that we had to go to higher authorities for sanction. Sir, that is a misleading statement. It may lead the honourable members of this House to think that we are hiding costs. The statement made by the honourable member is not correct. The total works costs, that is to say the actual cost of the works proper, without establishment and other overhead charges, is 37·37 lakhs of rupees. The local Government have got authority to sanction

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estimates up to 50 lakhs of rupees for works only ; therefore, this Government have still a margin of 12·63 lakhs of rupees. If, as he told the House, the Department intended to hoodwink the honourable members of this House, we could very well have put in an estimate for 50 lakhs of rupees for the cost of works only. This has not been done ; the total cost put in for works has been 37·37 lakhs of rupees, and we should like to be absolved from a charge that has been wrongly made.

The next important point is, the honourable member from Hyderabad said that we proposed to improve a canal, an important canal, and yet we have not any water to put into it. That again, Sir, is a misleading statement I hope an unconsciously misleading one. We shall have the water to put into the canal if we take the necessary precautions. The sole reason why we propose to widen the Fuleli Canal is, because at a slightly lower level of the river we desire to put more water in. I think even non-technical members of this House will clearly understand that if you desire to put in more water into a canal at a lower level of the river and yet keep the water in the canal at the same level, you must widen the canal.....

Mr. JAIRAMDAS DOULATRAM : I do not want to interrupt the honourable member, but may I ask whether it would have met the situation if instead of constructing the Sukkur Barrage, Government had only widened all the canals in the Barrage area.

Mr. C. S. C. HARRISON : Not at all : it is a simple matter in this case, because the honourable member from Hyderabad boasted of the fine cultivation on this very canal ; he gave us the figures of the Jamrao Canal and the Begari Canal, and he pointed out from those figures that the Fuleli Canal figures excelled all others ; that is the very reason why the Fuleli Canal has always been in a better position than the other canals and is therefore an exception to any general rule. We should have taken steps long ago, and spent more money to protect the interests of all the zamindars thereon. What has been done, Sir ? Two years ago the honourable member from Bombay said that this scheme should have been placed before the members of this House long ago and the honourable member from Hyderabad thereupon pleaded for a postponement. Now, Sir, if honourable members will cast their minds back to 1925 and 1926 they will see that the matter of improving and safeguarding the Fuleli was brought before the House in 1925. In 1926 the demand was withdrawn by the Honourable the General Member. It was again brought before the House in 1927 and 1928. The demand was for this very same canal. We have gone still further now. We have supplemented the information we gave in those days, and there has been a special note appended to the Blue Book. The matter is now perfectly simple. We are going to try and protect certain parts of the population, -the zamindari population—from damage, and these steps cannot with impunity be postponed. I should be at one with Mr. Jairamdas if it was a postponement of some other matter. I have discussed the matter with him outside this House, and I have informed him that it is

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my firm conviction that we are running near the danger line because we should have taken the improvements in hand two or three years ago.

Sir, I now turn to the speech of the honourable member Mr. Mir Mahomed Baloch with a great degree of regret. I hoped that his contribution would be useful to this discussion. Instead of that, instead of contributing something useful to the discussion, what has happened is that the honourable member has indulged in his stentorian rhetoric. The only idea that I could get from his speech was that I have now to acknowledge him as our latest irrigation expert. He is apparently an expert in many other subjects, but apparently we have now to acknowledge him as our latest irrigation expert. Rao Sahib Dadubhai Desai frankly stated that he would like us to let the horse bolt out of the stable and then rush in and close the door. He said that we must wait for some years until we see what damage there is, and then take steps to remove that damage. He is obviously not one of the people at the tail of the Fuleli Canal. If he were a zamindar on the Fuleli then he would have to be at the head of the canal before he could make a statement like that.

There is one other point I would like to make clear. There is a misunderstanding as regards the question of the rice area. The honourable member said that the honourable the Revenue Officer might desire to create a misunderstanding. I will say that he had no intention of creating such a misunderstanding; there is to be no reduction in the rice area; although the honourable member stated that it was possible to grow rice and other crops on rice lands, there was no intention on his part to say that for that reason we were going to reduce the rice area. I repeat that there is no such intention. Government have guaranteed that the supplies are now being received by the irrigators and that it will be sufficient to irrigate the present percentage of crops and to ensure this have kept a margin as a factor of safety. There is therefore no question of reduction of the area of any individual zamindar. Apart from giving every zamindar a sufficient supply, there is still a provision for extension of area 1,300 acres.

I would like to refer to the question of early waterings. One honourable member referred to an empty canal from which we propose to irrigate. It has been said that we must always have early watering for the rice crop. I have a statement here which may be seen by honourable members of this House. It shows that early waterings are not the main factor for a successful season. We have got to widen the canal because widening the canal will give water to the lower reaches. It has been said that we cannot supply this water when it runs at a low level. I say we can. Let any honourable member prove that we cannot. We cannot accept a mere *ipse dixit* that it cannot be done. As I have already said the question of early watering is not as important as some members try to make out. In 1920-21 we had 235,000 acres for rice with a gauge level of 7·4 feet in June; and in 1922 with 11·8 feet that is 4·4 feet higher level we had 224,000 acres. The figures are here and

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I will show them to the honourable members afterwards with the greatest pleasure. There are many more figures I could quote to show that it is not a question of early waterings. The vital factor is an assured or good supply in July, August and September. We have given an undertaking that we will widen the canal and give a good supply of water to all by means of regulators, without which it is impossible properly to distribute the water. We can do nothing else and it is no use talking only about early waterings. It is our desire to make the best use of the water available, that is to say, to enable the Fuleli zamindars in general and the tail zamindars in particular to get the full benefit of the available water. To achieve this, we propose to widen the canal and by means of modules equitably distribute the water.

The Honourable the PRESIDENT: I want to draw the attention of the House to rule 29 of the Bombay Legislative Council Rules which says :

"29 (1) Not more than twelve days shall be allotted by the Governor for the discussion of the demands of the Local Government for grants.

(2) Of the days so allotted, not more than two days shall be allotted by the Governor to the discussion of any one demand."

That is to say, His Excellency himself cannot exceed the two days under the law. It also means that he is at liberty to allow less than two days. That he shall not allow more than two days implies that he may allow less. The Honourable the Leader of the House told us the other day that he would take up "55, Irrigation" and allow discussion for one day. I asked him just now, because I find that there are three speakers particularly who wish to speak for a short time on the subject, and he has consented to continue the discussion on Monday and taking that into consideration and hoping that the Honourable the General Member will not take long to reply, I call upon.....

Mr. B. G. PAHALAJANI (Western Sind): I rise to a point of order, Sir. According to Standing Order, XI, 1-A, page 252 of the Manual,

"When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, all material details of such scheme or revision shall be supplied to all members as early as possible."

Now, according to rule 26 (1), page 233 of the manual, "A separate demand shall ordinarily be made in respect of the grant proposed for each department." Now, at present we are working under rule 26 and Standing Order XI, 1-A, also applies to this budget.

Now, according to Standing Order XI, 1-A, when any such demand is made in respect to any scheme, all material details of such scheme or revision shall be supplied to all members as early as possible. That is the rule. There are two points. I submit that these details have not been supplied. The same point was raised in the time of Sir Ibrahim Rahimtoola, when the details in connection with a scheme had not been supplied, though they were in the budget proper, and the Honourable Sir Cowasji Jehangir was compelled to bring it six months after, because the details were not supplied separately. I do not think the Honourable Member in charge is prepared to make a statement that the details were at all supplied in this case to honourable members.

The Honourable the PRESIDENT : Why, they were supplied in the budget ?

Mr. B. G. PAHALAJANI : The budget, was sent only fourteen days back. Now, in the case of Mutha new scheme also the same question was raised that the details were given in the budget, but they were not supplied as provided by the rules. But whatever that may be, are you prepared to rule that for a separate scheme the budget notice is sufficient or that 14 days' period is sufficient ?

The Honourable the PRESIDENT : Well, I find in the budget Blue Book, page 294, the scheme is mentioned and the details are given, about four or five pages, with all possible particulars, and I call that sufficient under the rules the honourable member has quoted.

Mr. NOOR MAHOMED : Before you are pleased to lay down the programme, Sir, for the discussion under this head 55, I have one request to make. I just learn that some of the non-official members have already made arrangements about going out of Bombay. I am not referring to Sind members, but to members from the presidency proper and I would, therefore, request, if you are pleased to give longer time for discussion, to take it to 7 o'clock to-day. After all, my honourable friend Mr. Winterbotham may not take long.....

Mr. G. L. WINTERBOTHAM : I should take only three minutes.

The Honourable the PRESIDENT : That is rather hard on the Government benches. However, I will allow the honourable member Mr. Winterbotham to speak now.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce) : Sir, I will confine my remarks only to two questions to the Honourable the General Member, if he will answer them specifically, and I will cut out all remarks in connection with them.

One is : I want to know whether this is one of several large projects which will have to be carried out at a very large cost in order to attain this equitable distribution of water, the principle of which I accept. I want to know whether the cost of all those schemes has been worked out, and whether this represents a part of a considered whole. That is to say, whether the Rs. 37 lakhs, which we are asked to approve, namely, Rs. 10 lakhs now and Rs. 27 lakhs hereafter, represents a part of the programme which has already been worked out over a period of years. If it does, I am at a loss to understand why it should not have been possible to put the whole programme before the House, before Government asked the House to sanction one particular part of the scheme.

The other question that I have to ask the Honourable the General Member to make perfectly plain to those of us who accept the principle of equitable distribution is what is the urgent necessity for starting on this particular scheme to deal with the Fuleli tract now. If, as I understand, the urgency is that, if it is not put in hand now, it will not be possible to take steps in time to compensate those cultivators who will suffer when the water is available from the Sukkur Barrage, then I shall be the last person to support this cut, and I particularly want the Honourable the General Member to deal with this question of the cost of the additional

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schemes which have not been sanctioned, but for which they may have worked out the cost or estimates, and the question of urgency for starting this scheme to deal with the Fuleli tract now.

Mr. LALJI NARANJI (Indian Merchants' Chamber): On a point of information, arising out of the remarks of the honourable member Mr. Winterbotham. Is it also a fact, as the honourable member Mr. Jairamdas Doulatram said, that if the Government is prepared to avoid the losses to cultivators by supplying water equitably to all the parts affected by the Sukkur Barrage scheme, then it will exceed Rs. 50 lakhs by more than four times? In case of their preparing comprehensive scheme, Government cannot bring this scheme, in this House without first obtaining the sanction of the Government of India.

Mr. H. B. SHIVDASANI (Surat District): Sir, as the time at my disposal is very short, I will confine myself only to one aspect of this question. Government have created a fog and a mist in the note placed by them before honourable members in the Blue Book. In regard to the financial aspect, they state the yield on this scheme will be 7.19 per cent. But if you look at the note carefully, you will find that the yield would not be even 1 per cent. Government in this note state that with the present quantity of water in the Fuleli canal, at present in the kharif season 326,651 acres are being cultivated. After the barrage some of the lands on the Fuleli will be taken away from the Fuleli and they will be supplied with water from the barrage, and that out of the area which will be left on the Fuleli at present only 247,472 are being cultivated as the kharif. Now, if you remove lands from the Fuleli to the barrage, you do not affect the water which the Fuleli will be bringing down. So, even if there were no such scheme as proposed, there would be sufficient water, judging from the figures supplied by Government, to irrigate 326,651 acres in kharif. So, if under the scheme, the area to be irrigated is increased to only 350,080, the additional area which would be brought under cultivation in the kharif season would not be 102,608 acres, but only about 24,000 acres. Moreover, Government estimate they will be making a profit of Rs. 3-8-0 per acre. Now Rs. 3-8-0 may represent assessment. It is not going to represent the net profit on the land. The Revenue Department will take one-tenth as their share; then there will be further the cost of maintenance and upkeep of all these works which will be undertaken under the scheme. The works are going to cost roughly Rs. 50 lakhs. The cost of maintenance will be at least  $1\frac{1}{2}$  to  $2\frac{1}{2}$  per cent. The upkeep will cost at least Rs. 75,000 a year. Government does not seem to have deducted any amount for the upkeep of the works. They have simply taken Rs. 3-8-0 as a profit per each acre of land. They have taken additional area which will be brought under cultivation at 102,608 acres, while in reality it would only be 24,000 acres. The present water is cultivating 3,26,651 acres kharif; there is no reason to suppose that, after the proposed works, it will not cultivate the same area. So, the profit will be almost nil. The total revenue will come to about Rs. 85,000. The Revenue Department will take away about 10 per

[Mr. H. B. Shivdasani]

cent., leaving a balance of 76,000, and then there is the cost of the upkeep and maintenance. So, the result will be that the scheme would not pay anything.

Khan Saheb ALLAHBAKSHI (Sukkur District): Sir, there has been some confusion in the speeches as regards the views expressed by Sir Chimanlal Setalvad in his speech on the 8th January 1923. The Honourable Sir Chimanlal Setalvad said on that occasion that there would be no danger to the Fuleli Canal and I also think so. These canals do not take above the barrage regulator. All the canals now in existence are not entirely new canals. For instance, the heads of these old canals have been shifted up above the barrage regulator so that these canals actually draw the same discharge as they now draw. Therefore, there appears to be no danger and there will be no fall in the level of the river. However, if after these improvements it is found that there is going to be some drop in the level of the river, we can easily construct a barrage at Jherruck or at Kotri wherever it may be necessary. The Fuleli is not at present a rabi canal. All the canals designed now above the barrage are  $\frac{1}{3}$ rd kharif and  $\frac{2}{3}$ rd rabi. It is not that the Fuleli is entirely a kharif canal. It is not a completely rabi canal either. If we improve it now on the lines suggested, afterwards we will have only to construct a barrage at Jherruck or at Kotri.

Mr. President, there has been some talk about modules. I am one of those zamindars who believe in the value of modules. A module is nothing but only a type of sluice. Supposing you construct one distributary and out of that distributary there are ten karias. If those karias have no sluices (modules) at the head, then the consequence will be that karias in the upper reaches without modules are in a position to take more water than the designed discharge. The modules make for an equitable distribution of water.

There are some apprehensions that there should be no regulators. I come from the district of Upper Sind Frontier where on the Desert canal we have our distributaries and regulators. Apart from the question whether the Fuleli is going to be affected by the barrage or is not going to be affected by the barrage, I think it is absolutely necessary that all the old canals should be remodelled. I will quote the figures of the Begari and Desert Canals. The Desert canal is a canal on which there are regulators and distributaries and is a module canal, but the Begari is an old canal without regulators and distributaries. The discharge of the Desert canal is about 5,000 cusecs whereas the discharge of the Begari is 9,000 cusecs. The cultivation of the Desert is 244,000 acres while that of the Begari is 2,076 acres. From these figures you will find that the cultivation of the Begari, as compared with that of the Desert Canal, is about 80 per cent. more whereas cultivation of the Desert is only about 30 per cent. more. This is due to want of equitable distribution of water.

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MR. B. G. PAHALAJANI (Western Sind): Sir, I am not surprised at Government not accepting a very reasonable suggestion which was made by my honourable friend Mr. Jairamdas to postpone sanctioning of this scheme to the July sessions. Of course, the Government is entitled to take advantage of your ruling, Sir, as regards notice, though I must protest against Government thinking that the notice which was given by the budget was sufficient notice to us to study the scheme which is calculated to cost at least half a crore of rupees.

In this case I was present at the meeting of the Legislative Council that sanctioned the barrage scheme. I am one of those who have always supported the barrage and I always insisted that the barrage should be carried through as fast as possible, but it must be understood that the barrage is to be completed within twelve years, that is to say, in the sixth year the water is to flow in a portion of the canals, but the whole canal, that is, all the canals up to the very tail shall not get water till the end of the 12th year. That was the scheme that was placed before the Council then, that is to say, out of about 200 miles that each big canal on the right or the left runs, the last portion of the canal will not be ready till the 9th or 10th year. The tail of the big canals emerging from the barrage area will not flow till the 10th or 12th year. If this scheme is to take effect (personally, I am in favour of the same portion of the scheme), I must at the same time say that Government is not justified under any circumstances in forcing down the throats of any one of us this scheme unless and until the scheme has been fully examined. It is not fair for Government, within 14 days after the opening of the Council when this budget was first presented and placed before the members of the Council, to expect non-official members to study this scheme or to go through the intricacies of the scheme that costs 49 lakhs of rupees which Government has taken five years to adumbrate. It is not fair that the non-official side should be carried through with such haste by the Honourable the General Member and, especially when a reasonable proposal is made to him that it should be again brought up in the July sessions, that he should sit tight against such a reasonable proposal.

I may also bring to the notice of the House that there are two districts which will suffer. In 1923 when Sir Chimantal Setalvad opened this debate, he told the non-official side that the Karachi district and the Hyderabad district would suffer on account of the Barrage, so that the scheme of preventing loss to the Hyderabad and Karachi districts is one single whole. If Government is prepared to spend 49 lakhs of rupees



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The Honourable Sir GHULAM HUSSAIN: Sir, I assure this honourable House, especially the last speaker, that I have as much the interest of Sind at heart as he or any other Sindhi here. Now my honourable friend was trying to make us believe that these are two different schemes of improvements.....

The Honourable the PRESIDENT: Is this a statement or the reply?

The Honourable Sir GHULAM HUSSAIN: It is the reply.

The Honourable the PRESIDENT: If that is the reply, then there are one or two other honourable members who wish to speak.

The Honourable Sir GHULAM HUSSAIN: I am now making a statement, and afterwards I will reply. I have to reply to every objection that has been raised.

The Honourable the PRESIDENT : I would allow the honourable member just now to make a statement only, but not to make a statement accompanied by any criticism of the debate. If he wishes to do that he can do so in reply.

The Honourable Sir GHULAM HUSSAIN : No criticism of the debate ; I am explaining the position of Government.

The Honourable Mr. J. L. RIEU : I rise to a point of order. The Honourable the General Member, under the rules, has the right to speak now and to make his final reply last.

The Honourable the PRESIDENT : Quite so, I see that. But the Honourable Member took nearly an hour in introducing the demand. It is really hardly fair to the House that he should have three chances of speaking.

The Honourable Sir GHULAM HUSSAIN : It is only a statement I am making.

The Honourable the PRESIDENT : I cannot postpone the debate. If the honourable member wants to criticise and make a statement also now, then it is not fair. He should either make a statement just now without any criticism, or wait till I give him the time, so that he may criticise the debate and make his statement.

The Honourable Sir GHULAM HUSSAIN : I have every right to speak at this opportunity. I want to make a statement. Government have given certain assurances, and to carry out those assurances I have brought this scheme. I have shown the House that, if the scheme is not carried out, the people will suffer. Then comes the question of compensation. But I see from the feeling in the Council that honourable members are prepared to accept the responsibility. I find strong feelings on the opposite side in favour of a postponement of the scheme. In that case, I accept the wishes of this House, and the responsibility for the results will be on the House. Of course the people will suffer. The reason why I accept this suggestion from the opposite side is that they have tried to make out that I am irresponsible. That is not so, and I want to show that I am still responsive to their wishes.

The Honourable the PRESIDENT : The House will now understand the position.

Mr. JAIRAMDAS DOULATRAM : Does this close the matter ?

The Honourable the PRESIDENT : It is postponing the subject matter of the cut, that is to say the scheme is withdrawn. The demand under 55-Irrigation minus Rs. 10 lakhs is now to be put to the House.

Demand for Rs. 22,70,000 under 55-Irrigation put and carried.

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a grant of Rs. 2,66,55,000 under Lloyd Barrage and Canals Construction, reserved.

The Honourable the PRESIDENT : I would like to make clear one point, which is important. The House will understand and I wish to

[The President]

lay it down that it is not that the cut of Rs. 10 lakhs has been carried, and therefore the demand has been reduced by Rs. 10 lakh. The Honourable Member in charge has withdrawn that amount, to bring it up in future.

The demand now made is for the second portion under 55 Irrigation, and there are certain cuts tabled under that. If the House is willing we can go on till 7 p.m.

Honourable MEMBERS: Monday.

The Honourable the PRESIDENT: I will explain the whole position, so that no difficulty should remain in the minds of honourable members. "55-Irrigation" consists of two parts. One is Irrigation without the Lloyd Barrage and the other is Lloyd Barrage and Canals Construction.

The Honourable the Leader of the House says that he had at the request of many honourable members here, consented to bring up 55 Irrigation, except the Lloyd Barrage, first and the rest of it would come in its due course either on the last day, or earlier if it is reached before the last day. So that is clear now.

I now come to the results of the elections to the various Railway Advisory Committees. The result of the election to the G. I. P. Railway Advisory Committee is that Mr. Gunjal gets 41 votes, Mr. Owen 40 votes and Sardar Mujumdar 5 votes. Mr. Gunjal is therefore elected.

The result of the election to the M. & S. M. Railway Advisory Committee is that Mr. Janvekar gets 48 votes and Mr. Dohpande 36 votes. Mr. Janvekar is therefore elected.

The result of the election to the B.B. & C.I. Railway Advisory Committee is a misfortune. There is a tie between the two honourable members. I shall give their names presently. The way out of the difficulty lies in the adoption of one of the methods I shall point out. One of them is that one of the honourable members withdraws in favour of the other; the second is that a fresh election takes place. That will of course take a little time, and it cannot be done just now. The third is my casting Vote and I should like to avoid that. The fourth is by drawing lots.

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Mr. W. S. Mukadam, 36 votes.

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The last is eliminated and there is a tie between the first two. If one of them withdraws in favour of the other, the result is declared automatically.

Mr. W. S. MUKADAM : I am prepared to abide by the casting vote of the President.

The Honourable the PRESIDENT : I refuse to take that course when I have a better method.

Mr. JAIRAMDAS DOULATRAM : Is it open to the chair to decline to use its casting vote ?

Mr. W. S. MUKADAM : Myself and the honourable member Thakor of Kerwada agree to abide by your casting vote.

The Honourable the PRESIDENT : I then give my own casting vote by some method to guide me which the House need not know. I declare the honourable member the Thakor of Kerwada elected.

Now the House will meet again on Monday, and on that day the next item No. 10—General Administration (Transferred)—would be taken up. Further, the House will remember that the Honourable the Leader of the House has consented to bring up one of the other heads under discussion. Only one day therefore will be allowed for the discussion of this item No. 11, that is General Administration (Transferred). And on the last day, as usual,—the honourable member from Sukkur was right in drawing my attention to it—the House will sit one hour earlier. On Tuesday the House will meet at 12 o'clock.

The House is adjourned to 1 p.m. on Monday, the 11th March 1929.

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